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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
SPECIAL WASTE COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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Ms. Rosario Marin

Ms. Rosalie Mul

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Ms. Bonnie Cornwall, Supervisor, Grants & Certification
Section I

Mr. Bob Fujii, Supervisor, Waste Tire Management

Mr. Nate Gauff, Staff

Mr. Jim Lee, Deputy Director

Mr. Jeffrey Lin, Staff

Ms. Selma Lindrud, Committee Secretary

Mr. Tom Micka, Staff

Ms. Stacey Patenaude, Staff

Ms. Dana Stokes, Staff

Mr. Todd Thalhamer, Staff

ALSO PRESENT

Mr. Terry Leveille

Mr. Scott Smithline, Californians Against Waste

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1 PROCEEDINGS

2 CHAIRPERSON PEACE: Good morning, everyone.

3 Where did this rain come from? I consulted Yahoo weather
4 on Sunday. It didn't say anything about rain.

5 So good morning and welcome to the Special Waste
6 Committee.

7 Selma, would you like to please call the roll.

8 SECRETARY LINDRUD: Marin?

9 COMMITTEE MEMBER MARIN: Present.

10 SECRETARY LINDRUD: Mulé?

11 COMMITTEE MEMBER MULÉ: Here.

12 SECRETARY LINDRUD: Peace?

13 CHAIRPERSON PEACE: Here.

14 At this time I'd like you to please turn off your
15 cell phones and pagers or put them on meeting or vibrate
16 mode. There are agendas and speaker slips on the back
17 table. If you'd like to address the Committee on an item,
18 please bring the speaker slip to Ms. Lindrud sitting right
19 over there in the black jacket.

20 Before we begin, I do want to point out that this
21 is Selma Lindrud's last Special Waste Committee. Good for
22 her, not for us. Selma is retiring on June 30th, and we
23 are all going to miss her very much.

24 COMMITTEE MEMBER MULÉ: How can she retire at 40?

25 CHAIRPERSON PEACE: She started the Board really

1 young.

2 Selma has been my Executive Assistant since I
3 came to the Board two-and-a-half years ago.

4 And, Selma, while someone may take your place, no
5 one will ever fill your shoes.

6 Selma is the one that keeps my office running
7 smoothly. And for those of you that know my advisors,
8 that's not an easy task. Selma is also the one around
9 here that helps plan all the Board's parties and picnics
10 and Christmas party and Halloween parties.

11 And, Selma, I want you to know how much we are
12 all going to miss you.

13 Selma's retirement party is going to be on July
14 20th. So there will be more details about that
15 forthcoming.

16 So I guess we'll get started. Members, are there
17 any ex partes?

18 COMMITTEE MEMBER MARIN: No.

19 COMMITTEE MEMBER MULÉ: Up to date.

20 CHAIRPERSON PEACE: I'm also up to date. So I
21 guess we're all up to date.

22 I guess with that we'll move right into the
23 Deputy Director's report, Mr. Lee.

24 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

25 Good morning, Committee members. My name is Jim Lee,

1 Deputy Director of the Special Waste Division.

2 I have one item in my Deputy Director's report
3 this morning. I'm very pleased to announce that on
4 Monday, the Board's staff-managed contractor began to
5 mobilize on the Beebe Family Ranch site in Sonoma County
6 to initiate tire removal activities.

7 There are approximately 500,000 tires on the
8 Beebe Family Ranch site, the largest known remaining waste
9 tire pile in the state.

10 Tire removal is expected to take one to two
11 months. The preliminary estimates to remove and properly
12 dispose of the tires is 1.2 million, a cost which will be
13 shared between the Board and the landowner, Ms. Karen
14 Gerbosi, pursuant to a negotiated cost recovery agreement,
15 which has been agreed upon in principle. All costs for
16 permitting, environmental work, and erosion control at the
17 site will be the landowner's sole responsibility.

18 I want to take this opportunity to acknowledge
19 Ms. Gerbosi for her cooperation and proactive efforts to
20 address the remediation of the site. Staff is optimistic
21 that cleanup efforts at the Beebe Family Ranch site will
22 provide additional impetus to the cleanup of other
23 identified Sonoma County sites which have over 900,000
24 waste tires in cumulative total and where tire cleanups
25 are being planned.

1 Madam Chair, unless there's any questions on that
2 or any other item, I'm prepared to move into today's
3 agenda.

4 CHAIRPERSON PEACE: Go ahead.

5 DEPUTY DIRECTOR LEE: First item for the
6 Committee's consideration is Board Item Number 1,
7 Committee Item B, Consideration of the Grant Awards for a
8 Joint Solicitation of the Used Oil Nonprofit Grant
9 Program, 6th Cycle, Fiscal Year 2004-2005, and the Used
10 Oil Research Testing and Demonstration Grant Program, 4th
11 Cycle, Fiscal Year 2004-2005.

12 As I noted to the Board in December when the
13 criteria for this grant cycle were approved, this grant
14 offering is notable for several reasons. As a joint
15 solicitation, it represents our continuing efforts at
16 grant application simplification to make it easier and
17 more convenient for applicants to apply for our grants.

18 The Board-approved criteria for the Nonprofit
19 Grant Program provides for funding of the highest project
20 in each of four different priority areas, instead of the
21 four highest scoring projects, among other changes.
22 Unlike the Used Oil Block Grant Program, which is an
23 entitlement grant used predominantly for program
24 maintenance activities, the Nonprofit and Research
25 Development Grants are competitive grants and as such

1 offer the opportunity to introduce, to innovate, and to
2 research and beta test new ideas and concepts which have
3 determined to be feasible can be rolled out to the block
4 grantees as a whole.

5 All proposed grants will have a strong evaluation
6 component identifying whether the grant has or has not
7 achieved the stated objectives for which the grant was
8 given and the reasons why.

9 With that overview, I will ask Jeffrey Lin and
10 Bonnie Cornwall to make the remainder of the staff
11 presentation.

12 (Thereupon an overhead presentation was
13 presented as follows.)

14 MR. LIN: Thank you, Jim.

15 Good morning, Madam Chair and Committee members.
16 I'm Jeffrey Lin, a Grant Manager with the Used Oil
17 Program.

18 --o0o--

19 MR. LIN: I will be presenting the award item for
20 the Used Oil Nonprofit and the Research and Demonstration
21 Grant Programs.

22 --o0o--

23 MR. LIN: Different from some of the grant
24 programs at the Board, this Used Oil Grant Program for
25 nonprofit agencies is required by statute and earmarked

1 for a proportion of the Used Oil Fund. It is designed to
2 focus efforts on demonstration projects that will increase
3 used oil and filter collections.

4 Competitive grants are an important part of our
5 overall implementation plan and strategy and are designed
6 to demonstrate innovative programs that overcome barriers
7 described in Block Grant annual reports, such as how to
8 reach non-English speaking populations, marinas, and small
9 businesses.

10 Based on that legislatively mandated funding
11 formula, \$1.128 million is available for the nonprofit
12 cycle in fiscal year 2004 and 2005.

13 --oOo--

14 MR. LIN: The evaluation criteria for the
15 Nonprofit Grants are divided into two sections. The
16 general criteria reflects the Board's standardized
17 criteria and is the majority of the points. With each
18 grant cycle, a determination is made regarding particular
19 gaps in oil collection services and barriers that need to
20 be overcome in order to increase used oil diversion rates.

21 Now, as the Board approved in December of 2004,
22 the priority criteria or focus of this cycle are four
23 areas:

24 Developing partnerships with retail stores that
25 sell lubricating oil to collect used oil filters from the

1 public;

2 Demonstrating community-based social marketing
3 techniques to educate immigrant communities about proper
4 used oil and filter disposal procedures;

5 Developing marina programs for the recycling of
6 used oil filters and bilge pads;

7 Or promoting used oil and filter recycling to
8 small businesses, i.e., conditionally exempted small
9 quantity generators.

10 --o0o--

11 MR. LIN: Applicants were to select one of those
12 four options if seeking the ten priority program or bonus
13 points. Staff proposed funding at least one applicant
14 from each of the four options as long as the application
15 passes the minimum point threshold of 70 points. The top
16 scoring applicant in each priority program criteria option
17 category would be recommended for funding before the
18 second or third ranking applications in other priority
19 program criteria categories would be recommended. This
20 was approved by the Board in December of 2004.

21 Applicants whose projects are not eligible for
22 priority program criteria points will be considered in
23 rank order for funding after the top priority program
24 criteria applicants from each category has been selected.

25 A process and outcome evaluation must be

1 incorporated into each project. Ten percent of the total
2 points in the application were related to evaluation.
3 During the grant term, grant managers will conduct grant
4 evaluation reports in the middle of the year tracking to
5 see the success, if the grantee has been following its
6 Scope of Work, and its results. Also, staff will give
7 technical assistance in the form of best practices and
8 other information, allowing grantees to run their programs
9 efficiently. Successes will be presented at workshops and
10 the annual Used Oil Household Waste Conference so that
11 other grantees can and will adopt these best practices.

12 Cost effectiveness was also emphasized in the
13 scoring criteria. And, accordingly, there were
14 modifications to the grant application budgets as
15 suggested by the applicant reviewers.

16 --o0o--

17 MR. LIN: Sixteen qualified applications were
18 received requesting \$3.01 million in funding.
19 Consequently, eleven applications received a passing score
20 requesting \$2.08 million. Finally, seven of those
21 applications are recommended today for award, given the
22 \$1.128 million available for funding the cycle.

23 Now, at least one project is recommended in each
24 of the four priority criteria categories. The priority
25 category related to targeting outreach to distinct

1 immigrant communities through community-based social
2 marketing is four of the top-ranked projects. All seven
3 of the awarded projects provide outreach in more than one
4 language; six projects include Spanish-speaking
5 communities, and one project targeting Cantonese-speaking
6 Chinese immigrants.

7 A more detailed description of each of these
8 projects was provided to you as a revised attachment, and
9 copies of that are also available to the public on the
10 table in the back of the room.

11 --o0o--

12 MR. LIN: Now, our second grant program being
13 presented for award today, the Research and Demonstration
14 Grant, is also required by statute and is the only
15 competitive grant open to all potential applicants ranging
16 from businesses and local governments to any nonprofit
17 organizations and any entity pursuing research testing and
18 demonstration projects to develop collection technologies
19 and uses for recycled or used oil. A wide spectrum of
20 innovative projects are sought through this program. And
21 based on this legislatively mandated formula, total
22 funding of the R&D cycle in fiscal year 2004-2005 is \$1.1
23 million.

24 --o0o--

25 MR. LIN: Applicants can select from one of the

1 four priority program criteria that includes:

2 Projects that increase the recycling of used oil,
3 filters, and/or used oil plastic containers through
4 developing new technologies or markets;

5 Projects that target specific immigrant
6 communities to educate them about used oil and filter
7 collection opportunities;

8 Projects promoting oil source reduction
9 strategies, such as extending oil change intervals,
10 advocating mass transit, or hydrogen fuel cells, while
11 also promoting used oil and filter recycling;

12 And projects establishing agricultural used oil
13 and/or filter collection programs for small acreage
14 growers.

15 --o0o--

16 MR. LIN: There are no statutory priorities with
17 this particular program. So, therefore, staff recommends
18 that award decisions be based solely on the highest
19 scoring applications using the Board-approved criteria.

20 Five of the nine applications that were submitted
21 passed. But given available funds, staff recommends
22 funding four of the projects. Now, two of the projects
23 target very distinct immigrant populations. One would be
24 those that change oil at home for others, or so-called
25 shade tree mechanics, in three diverse Southern California

1 cities. And the other project is designed to reach
2 immigrants in 18 Bay Area counties through lessons in
3 English and second language courses.

4 The third project is a partnership with Kragen's
5 auto part stores. It's a pilot project to demonstrate the
6 recycling of plastic used oil containers in 80 stores in
7 five different regions.

8 And the fourth program focuses on source
9 reduction.

10 At this point, I will hand it off to Bonnie
11 Cornwall of the Used Oil Program, Branch Manager, and she
12 will provide an explanation of social-based marketing and
13 its importance to this project.

14 --o0o--

15 SUPERVISOR CORNWALL: Good morning.

16 Community-based social marketing, or CBSM for
17 short, is woven through both of these cycles, because it
18 makes sense as an outreach strategy for this program.
19 Convincing people to recycle used oil requires a change in
20 their behavior. People act or decide not to act for many
21 different reasons. When asked, some people say they don't
22 recycle because none of their friends do or it's not
23 convenient.

24 Based on what people tell us, we can design more
25 effective programs that make it easy for people to do the

1 right thing. Community-based social marketing
2 incorporates psychology and other research and provides a
3 structure for program design. It's cutting edge. And
4 although there has been research, and we funded a few
5 pilot projects whose final reports are just now coming in
6 to us, we want to make sure that we understand the
7 behavior of the at-home mechanic or do-it-yourself oil
8 changers, the shade tree mechanic, and the various groups
9 that make up our target population of do-it-yourselfers.
10 Research tells us that many of them are immigrants
11 speaking different languages and may be motivated by very
12 different factors.

13 --o0o--

14 SUPERVISOR CORNWALL: Community-based social
15 marketing reminds us that we should not assume why people
16 aren't recycling their oil. There are probably structural
17 or psychological barriers that stand in the way. And,
18 therefore, the first thing that CBSM does is to bring
19 together focus groups or conduct in-depth surveys to
20 identify those barriers and ask people what would motivate
21 them to take action.

22 The second step is to select the appropriate
23 strategy or program that will overcome those barriers and
24 motivate people to recycle used oil. CBSM strategies
25 include: Working through credible sources of information,

1 which are often community-based groups that form social
2 networks in our communities;

3 Establishing social norms; if my neighbors
4 recycle, it must be the right thing to do;

5 Or providing prompts at the right time and place
6 to help you do the right thing, like the sign in Cantonese
7 on the door of the retail auto parts store in Chinatown
8 where people buy their oil.

9 Based on the best thinking that comes out of that
10 research, staff designed a small scale test program and
11 carefully evaluated the results before rolling out the
12 program into a whole city, region, or state. And that's
13 what these different grants are designed to do; to
14 demonstrate programs in a few communities. In some cases,
15 we're taking a demonstration on a small scale that worked
16 in one community and rolling it out to 18 communities this
17 year to make sure that we've got it right.

18 --o0o--

19 MR. LIN: Staff recommends the Board approve
20 Option Number 1 and approve Resolution 2005-154 for Used
21 Oil Nonprofit 6th Cycle, and Resolution 2005-155 for the
22 Used Oil Research and Demonstration 4th Cycle Grant
23 Programs.

24 This concludes our presentation. And staff is
25 available to answer any questions the Board may have.

1 CHAIRPERSON PEACE: I have to say that I didn't
2 sleep last night. And it wasn't because of tires this
3 time. It was because of oil. And, you know, I want to
4 say I want to apologize as Chair of this Committee for not
5 understanding the Oil Program as well as I should.

6 With that being said, I've read over these agenda
7 items regarding oil for the last week and a half or two
8 weeks. I've read them over and over and over again. And
9 it's my intuition something is still not quite right. And
10 even though the Board approved the scoring criteria in
11 December, it just seems like a lot of these things that
12 we're doing we should know by now. We should know by now
13 what makes up a good Oil Program.

14 Like I said, maybe I don't understand this as
15 well as I should. Maybe that's why I should entertain
16 some questions from the other Board members and go from
17 there.

18 Just seems when I read through these things, why
19 don't we know by now how to target immigrants? Hasn't
20 this been done before?

21 SUPERVISOR CORNWALL: I guess one of the things I
22 would say about that is we do know what makes a good
23 program. We're recycling more than 50 percent of the oil,
24 anywhere from 50 up to 70 percent of the oil in the state.
25 We know what makes a good program.

1 We want to know what makes the best program. And
2 what our evaluations have told us is that as we review the
3 data, it's pretty rare to get 100 percent cooperation in a
4 given community. So what we're seeing as we evaluate the
5 programs and we see very good response rates, we have to
6 take a look at who's not responding.

7 And as an example, several of the communities are
8 tracking -- they plot the ZIP codes and addresses on a map
9 with the GPS. And what they find is that there are big
10 gaps. For example, in Santa Monica as a recent project
11 we've just finished, they're plotting all the people that
12 are bringing in the used oil to the household hazardous
13 waste facility. And what they notice is there's a big gap
14 in the Pico neighborhood. So while they're recycling a
15 lot of oil, they want to do better. They want to do the
16 best.

17 So we're digging into who are we not getting when
18 we look at the statistics for who's coming to recycle the
19 oil, and compare that against the demographics of the
20 community. We're missing some folks. What we're finding
21 is we're missing in some cases people that are new
22 immigrants, people that speak different languages, which
23 is not only a language thing, but there are cultural
24 barriers. There are different kinds of organizations they
25 belong to. And the kinds of things that motivate them to

1 act may be very different from what motivates you and I to
2 act. I don't know that for sure. But I think it's a
3 question worth asking. And that's what we're doing in
4 these projects. We're trying to take what's good and make
5 it the very best that we can in order to get that last bit
6 of recycling, that last chunk.

7 CHAIRPERSON PEACE: Questions?

8 COMMITTEE MEMBER MARIN: Yes. Thank you, Madam
9 Chair. I did sleep last night, but I have some questions.

10 I actually appreciate the efforts that the Board
11 has gone through over the years in attempting to reach
12 every person in Southern California. I think we have a
13 ways to go. I think we've done a good job. I think we
14 could do a better job. When you look at all the
15 demographics, the state is a net importer of people. We
16 get new people coming in not just from other countries,
17 but other states, you know. People love to come to
18 California.

19 And whenever we talk about education, education
20 cannot be a one-time deal. Even if we did have a program
21 last year that educated one community or one part of the
22 state or whatever, education is something that has to be
23 constant.

24 Why I was puzzled more than anything else is that
25 on this particular item, on this particular Item Number 1

1 we're attempting to find those pockets of where I believe
2 we can do a better job. But then on Item Number 3, we
3 have a contractor that is going to help us determine
4 whether we should do something statewide.

5 So I'm thinking, okay. I did go to sleep, but I
6 was puzzled. Okay. We're doing something. We're
7 spending some money. And then we're going to spend some
8 more money to figure out whether we should do this locally
9 or maybe statewide. And so I'm wondering whether we're
10 putting the cart before the horse. And I know we've gone
11 through all of these processes to get us here. And so my
12 puzzlement is maybe we should have done Number 3 first and
13 then we do Number 1. But I know we're here. So that's
14 where we have to ask the questions ourselves. What do we
15 want to do?

16 I believe these projects are worthy. I think we
17 should do that. But I'm wondering whether we should have
18 last year done Agenda Number 3 that would lead us to do
19 Number 1 now. It's a luxury we do not have. So I was
20 grappling with that question. And I don't know what the
21 right answer is. I think that we must do some of these
22 things.

23 And then the other puzzlement is how does this
24 all fit with the bigger Jon Myers -- he's probably going
25 to come down soon -- effort to do something really

1 statewide. And this is part of the puzzle, but I'm
2 looking at the entire picture. So I don't know -- and I
3 don't know there is an answer to that in any of these
4 items. Maybe there is. Maybe this is a piece of the
5 puzzle. I just don't see how it fits into the bigger
6 social marketing effort that Mr. Jon Myers is going to be
7 endeavoring into. So that's for us to discuss. I don't
8 know if anybody else felt the same way I did.

9 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

10 I had a little bit of confusion on these items as
11 well. When I went to Item 1 and went to Item 3, I had the
12 same reaction. Wait a minute. We're doing some things,
13 and then we're going to hire a consultant to tell us if we
14 should do what we're proposing to do in Item 1. It was a
15 little confusing.

16 I do agree with Chair Marin that public education
17 is ongoing. And there is always that constant out there.
18 And I know when I was at the Oil Conference I did attend
19 that one session, at least part of it, where they did the
20 GPS and they were tracking, you know, different
21 neighborhoods, and so they could actually hone in on a
22 neighborhood and see who was, in fact, recycling and who
23 wasn't and why.

24 And, again, the findings are very interesting. A
25 lot of it -- or some of it had to do with the fact that

1 there were primarily rental units as opposed to
2 homeownership units and all that good stuff.

3 But without getting into detail, I think these
4 are good projects and they should be funded. And, again,
5 maybe it's because I don't have the history here. But I,
6 too, felt that haven't we already done a lot of this? And
7 if we have done this, then what are our results? And I
8 know, again, that Item 3 addresses that, and I'll address
9 that in Item 3.

10 But I think that if we don't have that database
11 that tells us what our success has been with some of these
12 previous programs, shame on us. That's what we should be
13 doing. We should be tracking what we're doing and what's
14 been successful so that we can replicate it around the
15 state.

16 And I just agree also with Chair Marin is that we
17 really need to make sure that we coordinate our efforts
18 through the Public Affairs Office. All of these things
19 tie together. And, again, I think if we have a
20 comprehensive plan on public education and outreach, I
21 think that we're going to be much more successful with all
22 of our efforts to educate the public about whether it's
23 oil recycling, household hazardous waste recycling, tires,
24 whatever.

25 So I just want to share with you, Madam Chair,

1 that I was a little confused with all of this, too. But,
2 again, I think that these are some good projects. But,
3 again, I hope that once we move forward with them that we
4 truly track. And I want staff to track this. I don't
5 want a consultant to track this. I want you guys to have
6 a better understanding and know what's going on in the
7 communities around the state so that if somebody comes to
8 you, you can say, well, in Southern California we did this
9 program and we had success. And you can actually cite the
10 results of each of these programs, rather than have a
11 consultant do it for us. Thank you.

12 CHAIRPERSON PEACE: I would think the grantees
13 are required to report back to us on what they've done,
14 whether it was successful, send us copies of all their
15 educational materials so that, you know, we can evaluate
16 them, see if it did result in more oil being collected.
17 And if it worked for this immigrant community, the
18 hispanic community here, maybe it will work over here. So
19 I think we do need to get that information back along with
20 all their educational materials. Do we get that stuff
21 back and take a look?

22 DEPUTY DIRECTOR LEE: Yes, we do.

23 CHAIRPERSON PEACE: The question is why we need a
24 consultant.

25 COMMITTEE MEMBER MULÉ: I'll address that.

1 COMMITTEE MEMBER MARIN: I actually want to take
2 one step further than that. I don't just want the
3 materials back. I want the impact those materials had.
4 That's where I want the measurement.

5 You know, if at Pico Union before the marketing
6 campaign we had 3,000 gallons being recycled, after the
7 marketing campaign, we have 4,000 gallons recycled. You
8 understand what I'm saying?

9 SUPERVISOR CORNWALL: We got it.

10 COMMITTEE MEMBER MARIN: I don't just want, we
11 passed out 4,000 fliers. After passing the fliers, how
12 much increase did we see? And those are the measurements
13 that I'm looking for. And I don't know whether -- I
14 didn't see them, so I don't know whether they are inherent
15 in the application process. But that is -- and if we did
16 not request that, then we should have. But if we did and
17 we have that, I will let you answer it.

18 COMMITTEE MEMBER MULÉ: Thank you.

19 And I was just going to add, too, and then report
20 that back to us. Again, you can report to us. I think it
21 would be appropriate to report to us in this very
22 Committee meeting or to the full Board as a result of
23 these grants, you know, this community previously that had
24 recycled 3,000 gallons of oil a month now recycles 4,000.
25 You know, just, again, so we have some measurable results.

1 And, again, it's a success that we can share with every
2 one, with the communities, with our State Legislators, our
3 local Legislators, let everybody know our successes.

4 Thank you.

5 COMMITTEE MEMBER MARIN: Give us your speech,
6 Jim.

7 CHAIRPERSON PEACE: Also, I'd like to see staff
8 maybe explore different ways to get this money out on the
9 street pursuant to Code 48632. Because when I read
10 through that, to me, it just does not say we have to do it
11 this way. Doesn't say the grants have to be competitive.
12 And maybe there's a better way to do this. Maybe we give
13 this out as part of the Block Grants with specifics on how
14 they use the money, how much they spend on education, what
15 they have to do with that money. So maybe we can look at
16 some of that stuff.

17 And like I said, I know I've only been here
18 two-and-a-half years. Maybe that's already been looked
19 at. But these are some of the things I do want to be
20 talking with you all about.

21 DEPUTY DIRECTOR LEE: Well, I would like to take
22 a crack at this. I understand the comments and the points
23 of view you're expressing this morning. But let me try to
24 reassure you that staff is aware of these. And basically
25 these items that you have that we're bringing forth today

1 represent our efforts to have acknowledged those concerns
2 and moving forward with something to try to address them.

3 First of all, the reason we're proposing the CBSM
4 technique is because we've looked at the way most of the
5 grantees are using their money now for public outreach.
6 And we're not really satisfied that we're getting good
7 bang for the buck there. You know, I think we committed
8 to the Board back in December to be innovative, to be
9 taking a strong look at our program to make sure it was
10 cost effective. Clearly, when we look at the Block Grant
11 Program and the upwards of 30, 40 percent a lot of the
12 Block grantees are using for public outreach and even in
13 the competitive grants, something needs to be taken a look
14 at with regards to that.

15 Almost invariably, the grantees like to utilize
16 the standard media-based outreach to get the message out:
17 Ads in newspapers, printing up brochures, giving out
18 premiums at events. Staff, you know, doing the
19 independent evaluation, reviewing the annual reports that
20 come in, reviewing the reports that come in on the
21 competitive grants have said we can do better than this.
22 In looking at the social marketing technique, we feel this
23 is a process that has some validity.

24 And, indeed, you mention the coordination with
25 our Public Affairs Office. Indeed, you know, they have

1 without saying so directly embraced this philosophy as
2 well. The contract the Board approved back in April to
3 provide for an outreach contractor is basically social
4 marketing by another name. Basically, what it involves
5 is, rather than just relying on printing up some
6 brochures, it's going to be proactive efforts,
7 interaction, you know, with the people we're trying to get
8 to change their behavior.

9 So although I acknowledge this item, per se,
10 wasn't vetted with the Public Affairs Office, per se,
11 clearly, they have supported this technique. And as the
12 Board's action and as their discussion in April and the
13 Board's approval in April demonstrates, there is some
14 validity to that type of approach.

15 The question was raised why do we need to
16 replicate this so often. As we try to make clearer,
17 again, what we're trying to do is target these nitch
18 audiences, if you will. And we're also up against an
19 entrenched -- the status quo is well entrenched in the
20 Used Oil Program. You know, the grantees are comfortable
21 with doing the outreach in the same old way and then
22 reporting their successes, showing us the number of
23 brochures they presented or ads they ran or number of
24 pencils with the used oil message they gave out. You
25 know, so it's going to take more than one or two things,

1 demonstration projects to show them there's another path
2 to this.

3 And we've only been really working on this the
4 last couple of years. I think my staff mentioned the
5 final reports of some of the projects we're just starting
6 to get in right now. So we don't have a big track record
7 of information that we developed on our own internally we
8 feel is sufficient to put up to show the grantees there's
9 another way to do this thing.

10 With regard to the timing for these various
11 efforts, you mention Item Number 3, which we'll discuss in
12 more detail in a bit, versus why we're bringing this one
13 forward. Again, the statute provides grants to
14 nonprofits. That's written into the statute.

15 I think your point is right, Ms. Peace. I think
16 we're evaluating whether or not it has to be competitive.
17 But it explicitly calls for grants to nonprofits. The
18 nonprofits almost invariably are involved in public
19 outreach type of campaigns.

20 And staff has been supportive of these efforts,
21 because in looking to take us to that next level,
22 recognize in the Used Oil Program we already have a
23 recycling rate that's significantly higher than the waste
24 recycling, waste diversion rate for the state as a whole
25 for other commodities, we're going to have to do something

1 out of the ordinary to move this ball forward.

2 The other reason for Item Number 3 is that we
3 felt in the past, it's been our experience, that having
4 independent third-party evaluations to corroborate or
5 refute staff's proposals has been something that's been
6 very useful in the past. So it's not that we don't know
7 what to do. But we feel that we need to strengthen those
8 efforts. And the proposal item 1 that we have before you
9 today and Item 3, which we'll discuss shortly, is the way
10 to do that.

11 SUPERVISOR CORNWALL: Let me also just add on
12 your remarks, we're closing with asking us to give us more
13 results about what the project is doing. If you recall
14 last month or the month before, we presented to you an
15 item on the Block Grant and the success of the Block
16 Grants. It's the first time any item like that has been
17 brought before you. We did that in response to your
18 concern. We have a report card for every single
19 jurisdiction in the state, how much oil they're recycling.
20 And we're clustering them and working with those in
21 particular that are the lower performers or haven't been
22 as effective. We had a workshop on that at our conference
23 in San Diego. We'll continue that.

24 The reports for the community-based social
25 marketing projects that we've done in the last cycle are

1 just now coming in, and they're due the 15th of this
2 month. We will be summarizing those in-house. Our staff
3 are going to be doing that. That's the first effort
4 they're going to be focusing on. And we'd like to bring
5 back to you an item perhaps in September summarizing those
6 CBSM projects that we've done and the contract that we did
7 with Wes Schultz. I think a couple of you heard that down
8 in San Diego. So we'd like to bring that forth and talk
9 about the results and the quantity of oil recycled.

10 Our staff are very committed to doing this.
11 We're using the grant management system, the GMS system,
12 to post some of this data to evaluate the projects and
13 reports. It takes some additional time. I think the
14 grant managers first have to be focused on, did the
15 particular grant meet its goals? What did it accomplish?
16 It's a whole secondary level of review to take each of
17 those results and look at the trends and pull out the
18 things that are of significance and the things that are
19 different. We have staff doing that. We've done that for
20 the last two cycles.

21 And we would like to propose that when we come
22 back to you with a criteria item, that we would include a
23 discussion in the criteria item of what happened last time
24 and why and more detail about why we are proposing to do
25 what we do. I think we kind of gloss over that. And I

1 look at the items and it's there, but it maybe should be
2 more pronounced. And maybe we would add a section to all
3 criteria items saying what were the successes last time.

4 COMMITTEE MEMBER MULÉ: And, Bonnie, that helps
5 us. That helps us in developing the criteria. And we
6 need that data. We need that evaluation from you folks.
7 And, again, I just assumed that's what you folks were
8 doing. So I'm glad to hear you're doing that and really
9 delving into truly evaluating these grants. So I'm very
10 pleased to hear that. Thank you.

11 COMMITTEE MEMBER MARIN: Madam Chair, one of the
12 questions that I have for Legal, is this also under the
13 same situation where because it has gone through the
14 scoring criteria, we cannot pick and choose? If we were
15 to fund three out of the four or recommend that one does
16 not get funded, we couldn't do that? We basically take
17 all or take none; right?

18 CHIEF COUNSEL CARTER: Marie Carter, Chief
19 Counsel.

20 That's correct. It's a competitive grant. The
21 criteria was approved six months ago. And the options
22 before the Board are accept and award or deny the award.

23 COMMITTEE MEMBER MARIN: Let me ask you this.
24 And this is actually a question for -- it's a bigger
25 question for all grants. Because I'm wondering if we

1 could reserve the right pick and choose at the very end.
2 And there are pros and cons to that. I'm fully familiar
3 with the cons, but I'm also familiar with the pros. I
4 wouldn't want this to become, "This is my friend." And,
5 "Well, if you get your friends a grant, I'm going to get
6 my friend a grant." That's why we have the scoring
7 criteria. I'm fully aware of the pitfalls of doing the
8 picking and the choosing.

9 But to not have the right if at one point in
10 time, philosophically, we may disagree with the scoring of
11 staff, this Board has absolutely no tool to do that. And
12 I want to have that tool.

13 CHIEF COUNSEL CARTER: And you do have that
14 authority. In the criteria item when it comes before you,
15 we can make it very clear to the proposed applicants that
16 the Board will pick and choose among the passing
17 applications. And we can eliminate any priority as
18 determined by staff by making a pass/fail. If they meet
19 all of the criteria the Board approves, then they are in
20 the passing group, and you can pick and choose among
21 those.

22 So we will be giving notice to the applicants up
23 front. And that allows them to come in, if they want to,
24 and advocate for their project at the Committee and Board
25 meeting level.

1 COMMITTEE MEMBER MARIN: I wouldn't want to use
2 that, and I wouldn't -- how can I say it? I just want to
3 have the right to do that. Because at the Board meeting,
4 you know, when we meet next week, on a previous grant --
5 has nothing to do with this one -- you know, the all or
6 none, it gives me no choice. I don't want to say no to
7 all of them, because I believe at least one of them is
8 doable. But if that's not the case, then -- so anyways.

9 But maybe this is something that we really need
10 to debate the pros and the cons. And out of all -- we've
11 done this forever, probably. Out of those, how many times
12 have we gone through? And is it worth considering a
13 change in policy? That's a discussion for later on. But
14 I wanted to find out if we are in the same situation here
15 right now. We are. Okay.

16 CHAIRPERSON PEACE: I do have one other question
17 when it comes to the UNP Grants. I notice there is a
18 faith-based organization that we'll be giving money to. I
19 just -- the Chinese Christian Herald Crusades.

20 MR. LIN: I'll defer to Legal on that.

21 CHIEF COUNSEL CARTER: We've looked at that
22 question. The statute allows us to give grants to
23 nonprofits. It doesn't restrict those nonprofits. And
24 then we looked at the question, can the State give money
25 to religious-based organizations? And if the purpose is

1 not for the religious purpose but a secular purpose and we
2 have the ability and the right to audit the grant at the
3 end to make sure that all the money was spent for this
4 purpose, then it is appropriate.

5 CHAIRPERSON PEACE: How does staff feel if for
6 some reason we decided to say we're not going to give any
7 money to faith-based organizations? Would that really
8 hurt this program do you feel, or not?

9 CHIEF COUNSEL CARTER: Excuse me, Madam Chair. I
10 think we would want to look at the issue of possible
11 discrimination if we were to make that exclusion. We can
12 get back to you on that. But I'm not certain we would
13 have that ability to exclude if they are used under the
14 law --

15 CHAIRPERSON PEACE: But for future scoring
16 criteria, we can look and see.

17 CHIEF COUNSEL CARTER: Right. We can look at
18 that issue for you, but there might be an issue of
19 discrimination.

20 CHAIRPERSON PEACE: Okay. So does anybody have
21 any questions on the Research and Development Grants?
22 Nobody besides me?

23 I do have to say when I look at, you know, the
24 statute, it says that the research testing and
25 demonstration projects are for the collection technologies

1 and to develop uses for products resulting from the
2 recycling of used oil and for the education and mitigation
3 projects relating to stormwater pollution. And when I
4 look, I guess, at these Research Testing and Demonstration
5 Grants, I just don't see that in here.

6 So either you need to explain it to me better,
7 because some of these are dealing with -- like the first
8 one, community-based social marketing. Again, social
9 marketing, wouldn't that be over in the other grant
10 program? Why is that a demonstration and research? Why
11 would that fall under the demonstration and research,
12 because how is that a collection technology or a use for
13 products resulting from recycled oil?

14 DEPUTY DIRECTOR LEE: That's just the technique
15 they're going to utilize to accomplish them and to meet
16 the stated objectives.

17 CHAIRPERSON PEACE: How come that wouldn't fall
18 under the other grant program? Why does it fall under
19 this one and not the other one?

20 SUPERVISOR CORNWALL: It does fall under the
21 other one. The distinction between these two grant
22 programs is the Nonprofit Grant limits the applicant pool.
23 So the only type of organization that can apply for the
24 Nonprofit Grant are nonprofit organizations.

25 In the Research and Demonstration Grants, any

1 type of organization can apply. And I think traditionally
2 we tend to think of R&D, that term has traditionally meant
3 aerospace research, hard core technology. But research
4 and demonstration applies to more than just things; the
5 techniques employed. There's research involved in the
6 techniques. And they're demonstrating strategies to lead
7 to the results to reduce stormwater, pollution, et cetera.
8 They don't all have to be focused on something you can
9 hold in your hand, if you will.

10 Technology, if you look at the definition of
11 technology, is much broader than just things. You can
12 more broadly define it as tools to help you accomplish
13 something. And technologies can be strategies to outreach
14 to people, whatever.

15 I think this is one of those instances where
16 we're sort of bound by our common assumption of what R&D
17 has tended to be. And this program allows for a broader
18 definition of that, if you will. And, again, more types
19 of organizations were able to apply for the grant under
20 this category. It was presented in December. And at that
21 time, the Board, I assume, thought it made sense to look
22 at it in both categories.

23 CHAIRPERSON PEACE: I realize also in December
24 when we approved the scoring criteria as it relates to the
25 second one, the hydrogen fuel cell vehicle, I realize that

1 was in there as a possible project we could vote on. I'm
2 telling you, I'm really having a hard time with this one,
3 trying to decide how a fuel cell vehicle and fuel cell
4 here at the Board is going to help with the collection of
5 used oil.

6 SUPERVISOR CORNWALL: Well, I think the notion
7 behind that project is that it needs some sex appeal, if
8 you will, for lack of a better term. And we're not going
9 with women scantily clad in bathing suits. We're going
10 for a technology that's sexy, that getting people's
11 interest, and gets visibility and publicity for the
12 program. Where you use that as literally a vehicle --
13 literally and figuratively as a way to gather and focus
14 attention on your message.

15 CHAIRPERSON PEACE: Will this car be sent out to
16 other places other than Sacramento?

17 SUPERVISOR CORNWALL: Yes. Absolutely. It will
18 be going to events. The notion in the proposal is that
19 will be scheduled to go to a variety of events.

20 The purpose is publicity. We're trying to raise
21 the visibility not only that the hydrogen highway is the
22 ultimate source reduction, because the engine doesn't
23 use -- it's not an internal combustion engine. Obviously,
24 that's not going to happen tomorrow. But it puts in
25 people's minds an idea of a transition and focuses them on

1 the difference between that kind of vehicle and the kinds
2 of vehicles we have now, the impact on stormwater with oil
3 dripping out of the vehicles, et cetera.

4 The real focus will be on getting the message out
5 about what you can do today to reduce the consumption of
6 oil and put in your mind a notion of a cleaner and greener
7 future. So the emphasis will really be on the publicity
8 and outreach.

9 Once we publicly noticed the project on the Board
10 net, we were contacted by the grantee who has actually
11 proposed, given other developments in the state and other
12 grants that have come in, to actually shift the focus to
13 possibly in the area of Pleasant Hill where there's
14 another demonstration project. And we would shift more
15 funding in the budget to the publicity and outreach, away
16 from the technology.

17 In discussing this shift in the grant with Legal,
18 they've advised me there's not a material change in the
19 grant. We have to be very careful when grantees approach
20 us with changing the Scope of Work. So I think that
21 particular project, if we shift to that model that they
22 would like to do, will be even more focused on the
23 outreach and publicity.

24 The partners in this, the California Fuel Cell
25 Partnership and the Stationary Fuel Cell Collaborative,

1 combine a lot of private sector entities as well as
2 governmental entities in the state statewide who up until
3 this point have not embraced or even thought about the
4 source reduction aspects of what they're doing. And they
5 are very intrigued by this. And indications have been
6 they're very committed to promoting this oil recycling
7 message, looking at, are you using the proper oil change
8 interval in your vehicle, et cetera? But that's a whole
9 angle they've never even considered that really
10 strengthens the validity of this type of program.

11 CHAIRPERSON PEACE: You also said this car will
12 be going around saying what the oil change interval should
13 be. I guess --

14 SUPERVISOR CORNWALL: Not what the oil change
15 interval should be. Because at this point, stay tuned for
16 the next project. But at least reminding people, look and
17 see what your manufacturer says and are you doing that.
18 At this point, until we have more research to indicate it
19 should be a different message.

20 CHAIRPERSON PEACE: When you say there's a
21 hydrogen refueling station here, how many hydrogen
22 refueling stations are there across the state?

23 SUPERVISOR CORNWALL: I'm not an expert on the
24 hydrogen refueling stations. We can get back to you on
25 that.

1 CHAIRPERSON PEACE: But you say they're going to
2 use this car around the state. Wouldn't there have to be
3 refueling stations?

4 SUPERVISOR CORNWALL: There are a number of
5 refueling stations. And, obviously, when you're
6 scheduling the vehicle to go, you take that into
7 consideration.

8 I think I've learned there's some Caltrans
9 facilities, and General Services is putting those
10 together. We just received, I think it was last week,
11 four hydrogen fuel vehicles here in the state through an
12 Energy Commission Grant. And Terry Tamminen has one. Dr.
13 Lloyd has one. And there's two others. So I believe
14 there's a refueling station over at the State garage where
15 they're refueling the vehicles currently.

16 CHAIRPERSON PEACE: How much does it cost to
17 lease a hydrogen vehicle?

18 SUPERVISOR CORNWALL: I'd have to go back and
19 check the budget. We did look at the option of leasing,
20 in particular, because this is technology that over a
21 three-year period is going to change. And we didn't want
22 to purchase some vehicle that would be out of date
23 tomorrow. So this gives us the option to remain on the
24 cutting edge.

25 CHAIRPERSON PEACE: We're doing this, it says, in

1 cooperation with the California Fuel Cell partnership.

2 We're doing this with just them --

3 SUPERVISOR CORNWALL: And the Fuel Cell
4 Collaborative.

5 CHAIRPERSON PEACE: So the car, is it going to
6 have an oil symbol on it or our name on it?

7 SUPERVISOR CORNWALL: Absolutely. Zero waste,
8 you make it happen, and recycle used oil, yeah.

9 CHAIRPERSON PEACE: Any other questions? I'm
10 sorry I had so many questions. It wasn't because I think
11 staff isn't doing a good job. I think you do an excellent
12 job.

13 SUPERVISOR CORNWALL: We like questions.

14 CHAIRPERSON PEACE: Thank you all for your
15 explanations.

16 Does anybody want to make a motion?

17 COMMITTEE MEMBER MULÉ: Do we do these
18 separately, Marie?

19 First, I'll move approval of Resolution 2005-154.

20 COMMITTEE MEMBER MARIN: I second that.

21 CHAIRPERSON PEACE: Okay. We have a motion by
22 Mulé and a second by Marin.

23 Please call the roll.

24 SECRETARY LINDRUD: Marin?

25 COMMITTEE MEMBER MARIN: Aye.

1 SECRETARY LINDRUD: Mulé?

2 COMMITTEE MEMBER MULÉ: Aye.

3 SECRETARY LINDRUD: Peace?

4 CHAIRPERSON PEACE: Aye.

5 COMMITTEE MEMBER MULÉ: And then I'll move

6 Resolution 2005-155.

7 COMMITTEE MEMBER MARIN: Second.

8 CHAIRPERSON PEACE: Okay. If there are no

9 objections, we'll substitute the previous roll.

10 That brings us to Item 2.

11 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

12 Board Item 2, Committee Item C, Consideration of

13 Scope of Work and Contractor for the Used Oil Source

14 Reduction Study and Request to Decrease the Contract by

15 \$35,000, Fiscal Year 2004-2005, Used Oil Contract Concept

16 Number 0-2.

17 This item was one of the contract concepts which

18 was a part of the used oil allocation item approved by the

19 Board in December. As noted in the title, staff is

20 proposing to decrease the funds requested because we feel

21 necessary work can be accomplished with a reduced budget.

22 I'll now ask Dana Stokes to make the remainder of

23 the staff presentation.

24 (Thereupon an overhead presentation was

25 presented as follows.)

1 MS. STOKES: Good morning, Chairwoman Peace and
2 Board members. I'm Dana Stokes from the Analysis Unit of
3 the Used Oil Program. And I guess I don't need to repeat
4 that, because you just said all that.

5 --o0o--

6 MS. STOKES: The 2004 Used Oil Program
7 Assessment, which was conducted by Cal Poly, recommended
8 that Used Oil staff pursue more strategies to reduce the
9 volume of used oil and filters generated by the public and
10 business sectors.

11 In response to this recommendation, the Board
12 approved the Used Oil Program Implementation Plan in
13 December 2004 that focused on seven strategies. One of
14 those strategies is related to source reduction and
15 pollution prevention. The focus approved for this year as
16 part of that plan is on oil source reduction. This
17 contract addresses increasing oil change intervals, or
18 rather extending them, as a source reduction practice.

19 --o0o--

20 MS. STOKES: The contractor, if this is awarded,
21 will survey motorists in California to determine their
22 typical oil change interval, auto type, and source of oil
23 change interval information. The contractor will then
24 compare the respondents' reported oil change intervals to
25 those recommended by their auto manufacturers and assess

1 whether there is an awareness gap.

2 The contractor will also convene focus groups
3 with the auto and quick lube mechanics to determine
4 several things. What oil change intervals they recommend
5 to their customers. Whether their recommendations create
6 any kind of a barrier to extended oil change intervals.
7 And if so, what incentives would entice them to promote
8 extended change intervals to their customers.

9 During the survey, respondents will also be asked
10 to rank several motivational messages promoting extended
11 oil change intervals. If survey results demonstrate the
12 need for an extended oil interval public education
13 campaign, the Used Oil Program will require grantees to
14 add the highest ranked motivational message to their
15 future oil recycling and public education materials.

16 --o0o--

17 MS. STOKES: In order to more effectively utilize
18 available resources, staff recommends that this contract
19 be reduced by \$35,000. In order to facilitate this, staff
20 recommends eliminating a few tasks from the original Scope
21 of Work, which include a literature search and market
22 testing of extended oil change interval messages. We
23 realize it makes a lot more sense to just put the messages
24 in the survey itself.

25 This 35,000 is being transferred to cover the

1 increased Scope of Work for the Used Oil Recycling Public
2 Education Assessment Project, which will have a much
3 greater impact on improving the cost effectiveness of the
4 Used Oil Grant Program.

5 --o0o--

6 MS. STOKES: Staff recommends that the Board
7 approve Option Number 1 and approve Resolution 2005-156.

8 This concludes my presentation. And we're
9 available to answer any questions you may have.

10 COMMITTEE MEMBER MARIN: What is going to be the
11 methodology of the survey? Is it going to be phone
12 surveys, focus groups?

13 MS. STOKES: Yes. The contractor is the Social
14 and Behavioral Research Institute down at CSU San Marcos.
15 As part of a previous contract with Wes Schultz, I went
16 down there, was very impressed. They have a complete
17 state-of-the-art calling center. And they actually have
18 done this type of work for --

19 COMMITTEE MEMBER MARIN: I'm sure. Let me say
20 this. Do we know how many calls will be made? Is it
21 statewide? Is it focused in one particular area?

22 MS. STOKES: It's statewide. We'll be sure that
23 it has rural, suburban, and urban components. So it's all
24 inclusive and --

25 COMMITTEE MEMBER MARIN: Is it 100 phone calls?

1 Is it 1,000 phone calls?

2 MS. STOKES: If you'd like, I can send you the
3 actual -- their mini proposal which outlines -- they
4 actually gave us a breakdown of three different proposals,
5 because they weren't sure what the budget would be. And I
6 believe it was about 25,000 to do a 500 survey sample and
7 maybe another, you know, for like 45,000 to do double
8 that. I mean, you know, it depends on --

9 COMMITTEE MEMBER MARIN: I'm in politics, so I
10 believe in surveys and sampling and so forth. And if you
11 have the right mix, if you will, you can get a very
12 representative sample. There is no question. This is
13 just for my own edification, because I really wanted --
14 and when it's done properly, even 100 persons interviewed
15 or called can be pretty representative. But it was just
16 for my own edification.

17 You know, this particular university does that.
18 They have this entire facility. I have no problem with
19 that.

20 I do like the fact, and I will move because I
21 like the fact, that it's less than what we had
22 anticipated. So with that, you have my motion to approve
23 Resolution 2005-156. Oh, you're not ready?

24 CHAIRPERSON PEACE: I'm not ready. I still have
25 some questions.

1 When you say you're going to determine whether a
2 public education campaign to promote auto manufacturers'
3 recommended oil change is needed, did you say that the
4 public education campaign is just to have our grantees add
5 that message to their literature? Because you're not
6 talking about a bigger, broader public education campaign?

7 MS. STOKES: No.

8 CHAIRPERSON PEACE: We don't have the money.

9 MS. STOKES: No. And it makes more sense to use
10 our network we've already got out there. They already put
11 out --

12 CHAIRPERSON PEACE: It seems to me that's what we
13 should be promoting, the auto manufacturers' recommended
14 oil change interval. I don't know why we need a study to
15 tell us that. Why don't we just tell our grantees, add
16 that to your message. Add to your message that most new
17 cars don't require their oil be changed every 3,000 miles.
18 Check your owner's manual.

19 MS. STOKES: I think we also, from an analysis
20 point of view, would really like to know what behavior
21 patterns are in California. And we would particularly
22 also like to know -- because oil change mechanics make
23 money off of every oil change service they create. It's
24 not in their best interest to promote extended oil change
25 intervals.

1 COMMITTEE MEMBER MARIN: It's more than that.
2 The way I understood, if it's correct, my interpretation,
3 this is going to help us deliver that message. What is
4 the message that people will respond to? That, we don't
5 have yet. Because we can be blue in the face -- I'm not
6 really good at all these sayings. If it was in Spanish, I
7 would say it. But we can tell them until we're blue in
8 the face one particular message, but if that is not the
9 right message --

10 CHAIRPERSON PEACE: The right message should be
11 most new cars --

12 COMMITTEE MEMBER MARIN: You don't know that.

13 CHAIRPERSON PEACE: Yes, we do. We know most new
14 cars do not require their oil be changed every 3,000
15 miles. So check your owner's manual.

16 MS. STOKES: What's really interesting is there
17 has been a lot of social behavioral research that has
18 discovered that how you craft the message has very much to
19 do with whether you get an outcome or not. And in the
20 fall, Wes Schultz that conducted the community-based
21 marketing pilot in L.A. where he crafted a different
22 message than your standard "recycle your used oil" message
23 and affixed it to oil collection containers, he got a
24 greater response from those with that message on their
25 container in terms of returning oil.

1 CHAIRPERSON PEACE: This doesn't say that you're
2 going to craft a new thing. This says we're going to
3 determine if we need a public education campaign.

4 MS. STOKES: But on the survey, we're going to
5 include several different motivational messages, and we're
6 going to have them rank them, the survey respondents, to
7 determine which ones would they respond to the most in
8 terms of trying to get a behavior change out of them.

9 COMMITTEE MEMBER MARIN: Actually, I'm very
10 familiar with how this works. One word can turn people on
11 or off. If you make a statement, one word can turn you
12 off. And we may be using that one word that's not getting
13 through to people.

14 CHAIRPERSON PEACE: So what this is going to do
15 is have us come up with that one word --

16 COMMITTEE MEMBER MARIN: No. It's what people
17 respond to.

18 MS. STOKES: It will determine which one they
19 respond most to, which message they respond most --

20 COMMITTEE MEMBER MULÉ: It's going to help us
21 craft the message.

22 COMMITTEE MEMBER MARIN: This is not going to
23 craft the message. It's going to help us.

24 COMMITTEE MEMBER MULÉ: It's going to help us to
25 craft the message.

1 And just as a question. What was that other
2 phrase they put on the oil?

3 MS. STOKES: It was "Take the last step." And
4 then it had a series of footprints in a circular diagram.

5 COMMITTEE MEMBER MULÉ: Do we know how much oil
6 collection was increased?

7 MS. STOKES: What the difference was? I can let
8 you know that.

9 COMMITTEE MEMBER MULÉ: Again, it just ties back
10 to as a result of crafting this different message --

11 MS. STOKES: He'll actually be presenting that in
12 September.

13 COMMITTEE MEMBER MULÉ: Thank you.

14 CHAIRPERSON PEACE: We get the message all the
15 time. Because I watch, you know, the baseball games,
16 there's the Jiffy Lube thing, "change your oil every 3,000
17 miles." So we're competing against that message.

18 MS. STOKES: That educates people, but it doesn't
19 necessarily motivate them to do the desired behavior
20 change. That's the difference. There's a whole field
21 about this.

22 And the other thing, too, your concern about what
23 this will tell us in terms of public education campaign,
24 we know from some of our past public education efforts
25 that rural, suburban, and urban, they're very different.

1 They respond to different things. And this will also
2 assist us in pointing out, you know, do rural --

3 CHAIRPERSON PEACE: This is going to help craft
4 the different messages that need to be in the campaigns
5 that we're going to -- the message we're going to tell the
6 grantees to put into their education materials.

7 MS. STOKES: Uh-huh.

8 COMMITTEE MEMBER MARIN: And I would hope in
9 addition to that that this research will help us then with
10 the next item, Number 3, whether we should have a
11 statewide campaign. That will be something for us to
12 consider later. I'm really looking at a much broader,
13 bigger picture of using this research for various
14 purposes.

15 And you're absolutely right. It has to be the
16 same message that we use, that cities use, that grantees,
17 nonprofits. Once we get that message, then our strategy
18 is going to have to be to utilize that message everywhere
19 and --

20 CHAIRPERSON PEACE: I thought you said we needed
21 a different message for the rurals and for this and for
22 that, so there isn't one message.

23 COMMITTEE MEMBER MARIN: The message is the same.
24 How it's delivered is different.

25 CHAIRPERSON PEACE: Okay.

1 COMMITTEE MEMBER MULÉ: I'll second Resolution
2 2005-156.

3 CHAIRPERSON PEACE: Okay. We have a motion by
4 Marin, a second by Mulé.

5 Please call the roll, please.

6 SECRETARY LINDRUD: Marin?

7 COMMITTEE MEMBER MARIN: Aye.

8 SECRETARY LINDRUD: Mulé?

9 COMMITTEE MEMBER MULÉ: Aye.

10 SECRETARY LINDRUD: Peace?

11 CHAIRPERSON PEACE: I'm not comfortable with this
12 one, so we're going to move it to the full Board.

13 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

14 Board Item 3, Committee Item D, is Consideration
15 of Scope of Work and Contractor for the Used Oil Recycling
16 Public Education Assessment, Fiscal Year 2004-05, Used Oil
17 Fund, Contract Concept Number 0-2.

18 This contract concept was discussed with the
19 Board as part of the used oil allocation item approved in
20 December. I view this particular contract concept as a
21 foundation block and staff's continuing efforts at program
22 evaluation and cost effectiveness. In many Used Oil Block
23 Grant funded jurisdictions, 30 to 40 percent or more of
24 grant dollars are used for public outreach.

25 Staff feels it would be very useful to have this

1 independent third-party evaluation conducted to assess how
2 effectively funds are being spent for this purpose, to
3 determine outreach program elements which could be
4 effectively modeled and utilized statewide, and to
5 consider whether State or regional funded campaigns might
6 be more cost effective in lieu of locally sponsored
7 efforts.

8 Also in light of the discussion on Item Number 1,
9 staff would also propose that we be more explicit in this
10 item to make sure we're looking at a competitive grant
11 evaluation as well and with the CBSM projects in
12 particular.

13 With that, I'll now ask Dana Stokes to make the
14 remainder of the staff presentation.

15 (Thereupon an overhead presentation was
16 presented as follows.)

17 MS. STOKES: As I noted in my presentation for
18 the last contract proposal, the Board approved the Used
19 Oil Program Implementation Plan in December 2004 based on
20 the assessment conducted by Cal Poly. And one of the
21 strategies that was recommended is related to "actively
22 promoting program improvements through the transfer of
23 best practices between grantees." This contract will
24 facilitate greater transfer of successful program models
25 between grantees in the area of public education and

1 outreach.

2 --o0o--

3 MS. STOKES: Building upon efforts already
4 completed by our Used Oil Program staff, the contractor
5 will compose a database of all grantees' used oil,
6 recycling, public education and outreach, components,
7 strategies and materials. The contractor will then
8 correlate each grantee's PE, short for public education,
9 program features and costs. They'll correlate that to
10 this volume of oil and filters collected and determine
11 which PE programs have been the most effective both in
12 terms of cost. And it's basically a PE component per
13 dollars spent per gallon of oil collected or filter
14 collected.

15 When comparing grantee PE programs, the
16 contractor will group together grantees according to their
17 regional type, urban, rural, suburban, their demographics,
18 and the size of their do-it-yourself oil changing
19 population.

20 The contractor will compare grantee PE dollars
21 spent per unit of oil filters collected to determine what
22 is a reasonable PE spending threshold and whether or not
23 expenditures should be restricted.

24 The contractor will summarize the most effective
25 PE practices as well as samples of most effective

1 materials which will be distributed by staff to all
2 grantees, or the results will be distributed through the
3 website by monthly meetings and annual conferences or
4 training sessions.

5 Grant management staff will be able to use this
6 information to assist grantees in adopting the most
7 effective PE models.

8 --o0o--

9 MS. STOKES: The original scope of this project
10 involved analysis of a statistical sampling of grantee PE
11 programs. Staff recommends the contract be increased by
12 35,000 so the contractor can analyze all grantee PE
13 programs. This expanded analysis will provide Used Oil
14 staff with a comprehensive view of the PE program
15 components of all grantees. This database plus contractor
16 identification of PE best practices will allow Used Oil
17 grant managers to easily assess the strengths and
18 weaknesses of individual grantee PE programs and provide
19 grantees with better guidance to improve those programs.

20 \$35,000 is being transferred from the Used Oil
21 Source Reduction Study to cover the increased Scope of
22 Work for this project.

23 --o0o--

24 MS. STOKES: And staff recommends the Board
25 approve Option 1 and approve Resolution 2005-157. This

1 concludes my presentation. And we're here to answer your
2 questions.

3 COMMITTEE MEMBER MARIN: Madam Chair, one of the
4 things I would love to see, and I mentioned this at the
5 beginning, is our Public Affairs people completely and
6 totally in this whole process. I think it's -- I'm sure
7 you will have them involved. They need to be from the
8 get-go involved in all of this. And I'm going to request
9 that that is the case with every other message throughout
10 all of the different programs that we have. There's got
11 to be that, especially if we're going to be getting this
12 information that's going to help us with our bigger
13 message, I think that is -- if we just dedicate each
14 different program to do their own messaging, we will be
15 missing the forest from the trees.

16 So my strong recommendation is that Public
17 Affairs is thoroughly involved in this, along with all the
18 other grants and programs that are similar to this.

19 DEPUTY DIRECTOR LEE: Ms. Marin, like I said,
20 they have been involved with this particular item. They
21 endorse the objective as I've outlined it in my opening
22 remarks. So I think we have their endorsement on this
23 particular item.

24 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.
25 Just as an FYI, Chair Marin, I've met with

1 Mr. Myers regarding particularly a statewide used oil
2 campaign or education campaign. And when I was at the HHW
3 Conference did speak with several of our local HHW Used
4 Oil staff people from around the state that are from the
5 local jurisdictions. And they were very interested in us
6 developing statewide materials, templets so they can use
7 and customize to work with.

8 But I think we want to do that across the board.
9 It's not just this program. And, again, I've shared with
10 Mr. Myers in meeting with jurisdictions in Southern
11 California, they want this. There is a need out there for
12 us to develop these materials and templets for them. So I
13 know that's something that is on Mr. Myers' priority list.
14 However, he's being, as you know, pulled in many different
15 directions right now. So he's trying to get focused on
16 it. And I do hope we can give him the support he needs to
17 get moving on this project.

18 COMMITTEE MEMBER MARIN: It is not himself.

19 COMMITTEE MEMBER MULÉ: His staff, his
20 department. Absolutely.

21 I do have a question, though, Jim and Dana. And
22 it goes back to a comment I made earlier. And I think I
23 know what your answer is going to be, but I'm just
24 wondering why we can't do this assessment in-house with
25 our own staff. And the reason why I ask that question is

1 that I know when I personally go through files -- I mean,
2 I managed contracts for many, many years. And I know that
3 when I went through the contracts myself, you know,
4 obviously, I had a much better understanding and a much
5 higher knowledge level of what exactly was in that
6 contract, as opposed to having a third party go through
7 that and tell me what's in that contract.

8 And so I'm not sure that I could support this as
9 it is, unless you can convince me why we should go to an
10 outside contractor and not do this in-house. Because,
11 again, I just think it would be a great exercise for us to
12 really jump in and evaluate, you know, go back and see
13 what has been done and what has worked and what has been
14 effective.

15 I know that part of your answer might be, well,
16 it's good for us to have a third party, because then we
17 have a third party. So when we have naysayers out there,
18 we can then go to them and say we have a third party.

19 But, again, I just have a strong opinion that I
20 really feel this is something we can and should do
21 in-house.

22 Thank you, Madam Chair.

23 SUPERVISOR CORNWALL: I think that you would be
24 pleasantly surprised if you saw how much of it staff are
25 doing. If you were to look at what we hope to accomplish

1 from this contract and how much it would really cost to do
2 that, this budget is predicated upon our staff doing a lot
3 of the background analysis and pulling together a lot of
4 the information and data that the contractor will use to
5 take it to the next step.

6 Each of the grant managers has a load of over 80
7 grants they manage at any one time. That involves
8 reviewing the payment requests, reviewing materials, going
9 out and doing site visits. They do a lot of work. And a
10 key component of their job certainly is looking at the
11 kind of materials that are coming in.

12 Each of our staff has a specialty area. They're
13 specializing, so some of the extra time they have, if you
14 want to call it extra -- I think it's really the core
15 time, because it's essential to building a strong program.
16 Some are related to how we would develop marina programs.
17 Others are looking at how we conduct events. They each
18 have specialty areas where they help each other. And they
19 go to some level of detail on some of the community
20 outreach materials.

21 But we really want to go further and much deeper
22 than we've been able to do thus far. We have some
23 hypothesis about what we think is happening out there.
24 But given the volume of material and data and information,
25 we're looking at going through two budgets for over 250

1 projects and dissecting those expenditures and looking at
2 what was staff time, what was printing, what was
3 development. It's a very involved project. We will have
4 some of our students do some of the initial and
5 preliminary work. But the breadth of this evaluation is
6 really significant.

7 So I think we're going that first step, and we
8 will then use the third party to bring home the final
9 conclusions. Our staff will be working very closely on
10 the project with them.

11 DEPUTY DIRECTOR LEE: One other thing, I'd like
12 to amplify those marks, if I may, too, Ms. Mulé.

13 I view this particular item as probably the most
14 important the Used Oil Program is bringing forth this
15 month, including the grant item. As I said, right now the
16 Board spend upwards of \$10 million a year on the Block
17 Grant Program, and probably 3 to 4 is being spent by local
18 jurisdictions for publicity and outreach activities.
19 They've been doing it this way since the beginning of the
20 program in the early '90s. It's entrenched. It's well
21 established. They're very comfortable doing it.

22 We're trying to break them out of the comfort
23 level. That's one of the reasons why we proposed the
24 nonprofit grant. We discussed some of the issues
25 regarding that in Item Number 1.

1 But from my standpoint, and having seen my
2 experience in the Tire Program as well, it's useful to
3 have these third-party evaluations. And in this case, I
4 think we saw in the Tire Program with regards to some of
5 the evaluation on the RAC Technical Center is just one
6 recent example.

7 But I think, ultimately, you know, we have
8 independently evaluated the effectiveness of these
9 programs. We have some ideas. I think we've shared them
10 indirectly with you in our discussions this morning. But
11 we feel it would be very useful to have somebody outside
12 the program, not as closely attached to the program as we
13 are, to give their own assessment of what the situation
14 is. Because ultimately what could be an outcome of this
15 particular study is we need to change the law. Because
16 right now the Block Grant is set up as an entitlement with
17 very few restrictions we can impose on these grantees.
18 Depending on what this assessment says, we may be looking
19 at legislative action on this. And, again, it's been my
20 experience that, again, having an independent third-party
21 analysis of this is useful for those types of endeavors.

22 CHAIRPERSON PEACE: Bonnie, you said before that
23 a lot of times you can't break out some of this data
24 yourself because you're constrained by how the Board is
25 asked for the budget data to be submitted by the grantees.

1 Does that have something --

2 SUPERVISOR CORNWALL: Yes. We'll have to go back
3 and recast that section of the budget, if you will,
4 because of the way it's reported to us. So to find out --
5 when we initially put together the templet or when the
6 Committee and the Board put together the initial templet
7 for the budgets, we had in mind particular needs, and that
8 drove the way the budget was laid out. There had been
9 questions asked about how much do we spend on publicity.
10 How much do we spend on personnel. So, broadly, all the
11 grant budgets of the Board are configured in such a way as
12 to answer that question.

13 When we designed the templet, the question wasn't
14 how much is spent on focus groups and surveys when you
15 design an outreach campaign? How much is spent on
16 printing? So in order to go and get that information, we
17 have to go back into the original documents and pull it
18 out in a different way.

19 CHAIRPERSON PEACE: Is there some way that our
20 Grants Oversight Committee or the Board can make it easier
21 for you to get that information from our grantees?

22 SUPERVISOR CORNWALL: Well, I think it's all a
23 matter of what we decide we want to be able to summarize
24 at the highest level about the grants. And if we want to
25 know overall how much was spent on personnel, then we

1 have --

2 CHAIRPERSON PEACE: Design it different.

3 MS. STOKES: Yeah. So it's all a matter of what
4 kind of questions are you interested in asking. And I'm
5 sure we could look at ways that we could modify the budget
6 to get that information.

7 COMMITTEE MEMBER MULÉ: One more thing, Madam
8 Chair. Thank you.

9 It does say in the Scope of Work that the
10 contractor is going to design a brochure that basically --
11 contractor shall design and compose a brochure for
12 grantees outlining the most cost effective PE strategies
13 for rural, urban, and suburban grantees and the least cost
14 effective practices that grantees should award.

15 Do we really need to have a brochure? Can't we
16 just post that information on our website? Save a little
17 bit of paper.

18 MS. STOKES: Sure. The most important thing is
19 the information.

20 COMMITTEE MEMBER MULÉ: Right. I just read that
21 and just said why a brochure.

22 SUPERVISOR CORNWALL: I think brochure should
23 have had quotes around it. I think it was a generic term.
24 It could have said tool kit. It's a bad word. But I
25 think we certainly have in mind something like the

1 Clearinghouse that we have on the website so somebody
2 could sort of -- if I want to do a brochure to increase
3 curbside collection, show me three things that work best.

4 COMMITTEE MEMBER MULÉ: And sending an e-mail out
5 to all of our group and letting them know this information
6 is available.

7 SUPERVISOR CORNWALL: Right. I think as you had
8 mentioned before, the challenge is two-fold. One, the
9 challenge is to educate grantees that that type of
10 information is available. But they, like all of us, get
11 so much information. You forget, now did I see something
12 on this? And that's where our grant managers come back in
13 in reviewing a work plan when they say we're going to
14 start a new marina program, the grant manager says,
15 "Remember that information we sent you on marinas? Pull
16 up our website. There you'll find the materials that will
17 help you hit the ground running." It's really two-fold.
18 Let them know it exists, we've done the work. And then
19 provide just-in-time information, which is critical.

20 COMMITTEE MEMBER MULÉ: Thank you.

21 CHAIRPERSON PEACE: It says it will be more like
22 a toolbox so they can see what works best for rurals,
23 urbans, you know --

24 SUPERVISOR CORNWALL: Absolutely.

25 CHAIRPERSON PEACE: Do we have any more

1 questions?

2 Do we have a motion?

3 COMMITTEE MEMBER MARIN: I move Resolution
4 2005-157.

5 COMMITTEE MEMBER MULÉ: Second.

6 CHAIRPERSON PEACE: We have a motion by Marin and
7 a second by Mulé.

8 Please call the roll.

9 SECRETARY LINDRUD: Marin?

10 COMMITTEE MEMBER MARIN: Aye.

11 SECRETARY LINDRUD: Mulé?

12 COMMITTEE MEMBER MULÉ: Aye.

13 SECRETARY LINDRUD: Peace?

14 CHAIRPERSON PEACE: Aye.

15 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

16 Board Item 4, Committee Item E, is Consideration
17 of the Contractor for the Final Remediation of the Tracy
18 Tire Fire Site Contract, IWM04046, Tire Recycling
19 Management Fund, Multi-Year Funding.

20 As we discussed with the Board at the May Board
21 meeting in our reallocation and Five-Year Plan agenda
22 items, staff feel that approximately \$5 million is needed
23 to complete the remediation of the tire fire site.
24 Approximately 3.7 million was provided as part of a
25 reallocation to the existing cleanup contract. The

1 remaining 1.3 million is proposed to be encumbered as part
2 of the new contract for remediation services which you
3 have before you.

4 Todd Thalhamer will make the rest of the staff
5 presentation.

6 MR. THALHAMER: Again, for the record, my name is
7 Todd Thalhamer, Project Engineer for Tracy tire fire site.
8 I'm going to give you a brief outline of the consideration
9 for contractor for final remediation of the Tracy tire
10 fire site, contract 04046.

11 Per the Five-Year Plan and the last month
12 reallocation item, this contract will be for \$1.3 million
13 to complete the Tracy project. Just as a side note, the
14 hauling at Tracy has re-begun. As of Monday, we've
15 doubled our efforts, and we are now running both hauling
16 and excavating at the same time.

17 Briefly, a total of six companies submitted
18 Requests for Qualifications. Through that process, we
19 came up with our recommendation. And staff recommends the
20 Committee approve Resolution 2005-158 and the selected
21 contractor, Sukut Construction, for the final remediation
22 phase of Tracy tire fire site.

23 I'm here to address any questions you may have.

24 CHAIRPERSON PEACE: The only question I had, and
25 I think I brought this up in a briefing, is that here you

1 talk about the final site documentation.

2 MR. THALHAMER: Page 4.

3 CHAIRPERSON PEACE: At one point you said you
4 don't know if you'll even need that, we don't know how
5 much it will be. And then it says in the item that the
6 purpose of this contract is to complete the final
7 documentation and remediation.

8 And I think I wanted to make it clear from where
9 I'm coming from I want it somewhere in the Resolution that
10 this item is only to complete the site remediation
11 activities only, and then to come back to the Board with
12 further direction on the final -- on what to do with the
13 final site documentation.

14 SUPERVISOR FUJII: Let me take a crack at this.
15 Bob Fujii, Special Waste Division.

16 I agree with you, Ms. Peace. I think what we're
17 talking about when we say the final site documentation is
18 some of it, like we discussed in previous meetings with
19 you, is the documentation necessary for maintaining our
20 ongoing site operation. We have to do confirmation
21 sampling and do some amount of health-based risk
22 assessment analysis to establish preliminary interim
23 cleanup goals with our sister agencies to determine at
24 least a dotted line in which to go ahead and proceed with
25 the cleanup.

1 A lot of this documentation will then be compiled
2 into the final site report that will be sent through the
3 DTSC process. I guess it's our intent to go ahead and do
4 that work under this contract. But we will have to,
5 through the course of our normal efforts, gather some
6 information that will ultimately be included in that final
7 report. So that's the clarification that I wanted to make
8 on that. And we certainly could put in the Resolution
9 some language to that effect, if that's your desire.

10 CHAIRPERSON PEACE: The way it was explained to
11 me, you didn't know how much of the site documentation you
12 would actually need or how much it was going to cost.

13 SUPERVISOR FUJII: At this point we don't know.
14 If we send this thing through the final process, we don't
15 have that number. I think we indicated to the Board that
16 the initial cost would have been somewhere in the
17 neighborhood of \$700,000. That may be high depending on
18 the numbers that come up, you know, that we're currently
19 working with the sister agency. This information could be
20 compiled, and we may be fortunate in that we sort of hit
21 the target, so to speak, with them by gathering this
22 initial information. But we're not sure about that yet.
23 But we do have a fairly good idea that this information
24 isn't necessary for us to proceed with at least the
25 ongoing fill operation that we have going on out there

1 now.

2 CHAIRPERSON PEACE: If you're not sure how much
3 it's going to cost to do the final site documentation, I'd
4 hate to get started on it and not have enough money to
5 finish it. I think I'd rather just address that.

6 SUPERVISOR FUJII: Sure. It's our intention to
7 come back in December with a status item for the Board to
8 update the Board where we're at and then let them know,
9 you know, kind of where we're at with the cleanup efforts,
10 and then to seek direction from the Board at that point
11 where we go from there.

12 COMMITTEE MEMBER MARIN: Can I interject here?
13 Because I hope that when you come back in December, you
14 come in and tell us it's been cleaned, not where you are
15 in the cleanup process.

16 SUPERVISOR FUJII: That is definitely our
17 intention.

18 COMMITTEE MEMBER MARIN: I have no problem. I've
19 beaten this horse to death. I'm ready to just do it, give
20 you everything and anything you need to clean this thing.
21 That's it.

22 COMMITTEE MEMBER MULÉ: I would like to move
23 Resolution 2005-158.

24 COMMITTEE MEMBER MARIN: Second that.

25 CHAIRPERSON PEACE: We have a motion by Mulé, a

1 second by Ms. Marin.

2 If there's no objection, we'll substitute the
3 previous roll. We'll put this on fiscal consent.

4 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

5 Board Item 5, Committee Item F, is Consideration
6 of Contractor for the Engineering and Environmental
7 Services Contract, Tire Recycling Management Fund,
8 Multi-Year Funding.

9 At the last Board meeting, the Board approved the
10 revised Five-Year Plan for the Tire Program. In this
11 revised plan, the Board made explicit its desires to
12 refocus on activities that will be most cost effective in
13 increasing the recycling rate for waste tires and endorsed
14 increased use of RAC and other civil engineering uses as
15 being central to that strategy.

16 The Board has already approved various component
17 pieces to implement this strategy. In April of this year,
18 the Board approved a contract for a coordinated media
19 outreach campaign to local jurisdictions and to Caltrans
20 to increase RAC and civil engineering use.

21 The civil engineering expert proposed to be
22 funded by this agenda item and the RAC expert that is the
23 subject of a separate agenda item to be discussed next,
24 they will work in conjunction and cooperation with the
25 outreach contractor to support and leverage resources for

1 that effort.

2 I'll now ask Stacy Patenaude to make the
3 remainder of the staff presentation.

4 (Thereupon an overhead presentation was
5 presented as follows.)

6 MS. PATENAUDE: Good morning, Madam Chair,
7 members of the Board. My name is Stacey Patenaude. I'm
8 an engineer in the Special Waste Division here at the
9 Board. The item I bring for you today is Consideration of
10 the Contractor for the Engineering and Environmental
11 Services Contract, Tire Recycling Management Fund,
12 Multi-Year Funding.

13 Before I give the item, I'd like to give a brief
14 presentation over what we've actually done in the last
15 seven years for the new Board members and also what we
16 hope to accomplish or keep working on for the next few
17 years.

18 This is tire-derived aggregate. A lot of people
19 ask us why am I going to use this in one of my
20 construction projects. The primary reason is this has
21 properties that civil engineers need. It's lightweight
22 and free draining. And when an engineer needs this type
23 of material, TDA can save them money.

24 --o0o--

25 MS. PATENAUDE: Why should the CIWMB continue to

1 promote TBA? Tire-derived aggregate is the most cost
2 effective reuse for tires next to TDF. It has a very low
3 production cost, meaning less electricity. More diesel
4 fuel is used in the production of TDA than TDP crumb.
5 Very large quantities of this material is used in each
6 project, therefore consuming large numbers of tires at a
7 very cost effective rate. Typically, TDA is the cheapest
8 lightweight material available for civil engineering
9 applications. When lightweight fill is needed for a civil
10 engineering application, TDA can save cities, counties,
11 and the State of California money.

12 Tire-derived aggregate is environmentally sound.
13 We've done toxicity studies to show that placed in the
14 proper manner that there is no detriment to the
15 environment. Conventional lightweight aggregates are
16 volcanic rock, expanded shell, and pumice. These
17 materials are open pit mined, typically leaving behind
18 very ugly open scars on the environment. Styrofoam is
19 also another type of lightweight material used by civil
20 engineers, and this material is produced using petroleum,
21 which is obviously very expensive.

22 --o0o--

23 MS. PATENAUE: Applications that we have worked
24 on and are continuing to work on, there's the Dixon
25 Landing project --

1

2 MS. PATENAUDE: -- which is here. This project
3 was constructed in the year 2000. Approximately 660,000
4 tires were used where the Waste Board paid for those tires
5 and the construction oversight, and Caltrans built the
6 embankment. The State of California saved \$240,000 over
7 using a conventional lightweight material. So this
8 demonstrated to Caltrans that it is cost effective. And
9 the on-ramp is currently performing. It was opened in
10 March of last year, and it is performing perfectly.

11 --o0o--

12 MS. PATENAUDE: The next application that was
13 finished, I guess it was last year, is a retaining wall
14 project. It's the first of two pilot projects we're
15 working with Caltrans on. This is to demonstrate to
16 Caltrans that tire shreds placed behind a retaining wall
17 will exert half the pressure that normal soil does. By
18 exerting less pressure on a wall, Caltrans can use less
19 construction material, steel and concrete, therefore
20 saving on the cost of the wall.

21 Our initial estimates -- these are actually old
22 before the price of steel and concrete had significantly
23 gone up in the last two years. But our estimates were
24 about \$100,000 per linear feet of wall. So even after
25 buying tire-derived aggregate, the State and counties will

1 save money by using this type of material.

2 --o0o--

3 MS. PATENAUE: This project is the VTA Light
4 Rail Track in San Jose. The Waste Board did the initial
5 study for this back in 1990. We paid for our consultants
6 to do a test project out at a landfill to determine what
7 the vibration attenuation characteristics of tire shreds
8 were. Based on that information, the Valley Transit
9 Authority was very interested in it. They actually built
10 a test section in their railroad, I guess it was 2000.
11 That worked out well. And they decided to construct this
12 section -- 2,000 feet of rail section in the new Vasona
13 line expansion.

14 The Waste Board did not subsidize or supply any
15 funding for this, because it was a savings for VTA. This
16 track is scheduled to open -- I believe it is in August.

17 The lower picture shows an actual section after
18 with the train on it. Those are actually the very same
19 pictures when it's being constructed and what it looks
20 like when it's done. It doesn't look any different. We
21 went out in March and took the readings with the light
22 rail vehicle to see exactly what the dampening effects
23 were. That data is being analyzed right now.

24 A very interesting thing that happened is BART is
25 currently designing their expansion from San Leandro into

1 San Jose, and their head design engineer was there when we
2 were testing this, because they were very excited about
3 this. Because this could save them a huge amount of
4 money. Their trains are much more noisy than other
5 people's trains, so they have thousands and thousands of
6 feet of track they need to place this in. So everybody is
7 waiting patiently to see how this will work.

8 --o0o--

9 MS. PATENAUE: The next project we're working on
10 is a landslide project up in Humboldt. This is the scenic
11 road which is just north of Eureka. It used to be the
12 Highway 1, I believe. And Caltrans had moved that inland.

13 This is a single lane road that ties in -- I
14 guess it's McKinleyville and Trinidad. As you can see on
15 the lower picture, that's the landslide. I think forever
16 it's been sliding. But the County comes in after every
17 rainstorm and puts asphalt. And I'm standing on
18 approximately 30 feet of asphalt right there. As can you
19 see, it's fresh. Every time it rains, they come in and
20 pile a few more feet on it.

21 And we brought a geotechnical engineer out, and
22 they say it's just a matter of time they have a storm and
23 that road will be gone. And the people that live along
24 that section will be required to actually drive about 20
25 miles north to get out of there and then to use Highway 1

1 to go south to Eureka. Along with this, there's an Indian
2 casino that is not too far north of this. There's quite a
3 bit of traffic that goes up through there.

4 We're looking at the possibility of assisting the
5 County to fix this landslide. They can't afford to do it
6 on their own right now, because it's a fairly extensive
7 problem. And so we're working with them on that. We hope
8 to be able to resolve the problem and help them take care
9 of it next year.

10 --o0o--

11 MS. PATENAUE: The services that would be
12 rendered with this contract, the number one application is
13 the education. We've given close to ten to twelve
14 short-course classes in the state of California to private
15 and State engineers. New technology research and
16 development such as the VTA and other applications that
17 we've looked into; engineering evaluation design
18 assistance, such as the Humboldt project or the retaining
19 wall project where we're working with the Caltrans
20 engineers or the County engineers to help them solve a
21 problem.

22 Construction oversight is very important since
23 this is a unique material to most engineers. So we supply
24 the person on site to explain to them about what the
25 material should look like when it comes out of the truck.

1 They're not usually familiar with the size of the trucks
2 and that type of stuff.

3 Tire-derived aggregate production assistance;
4 we're working more extensively with the actual shredders
5 now. There's not many facilities that actually can make
6 the spec material for us. They're either processing it
7 and sending it over to facilities to make crumb rubber or
8 they are just throwing it away. So it's a fine line of
9 getting additional equipment or refining their process so
10 they can make this material.

11 Right now we're at a point where we can't take a
12 lot more projects, because we have a limited number of
13 suppliers. So we need to resolve this issue at the same
14 time as we're refining projects.

15 And part of that is the tire-derived aggregate
16 QAQC. We're working with some soil labs in the state. We
17 hope to work with soil labs to get them up and running so
18 suppliers can send their sample to a soil lab to see
19 exactly what their material looks like, if they have too
20 much wire, it's too small, too big, whatever. We hope to
21 get some labs certified to actually do this. It's not
22 very difficult. It's very similar to a standard soil
23 analysis.

24 --o0o--

25 MS. PATENAUE: This project will be managed

1 through a contract work order. I should say it's contract
2 work order driven. No funds will be expended unless a
3 work order is drafted which outlines the tasks and the
4 amount of funds available for that task. If jobs do not
5 come up or projects do not develop, then at the end of
6 two years, funds revert. This is not a guaranteed
7 \$650,000 for the project.

8 --o0o--

9 MS. PATENAUE: Areas of future focus that we
10 hope to work on in the next two to four years is to
11 develop a grant program for landfill applications. A
12 number of landfills have looked into using tire shreds in
13 gas collection systems. Gravel is getting more and more
14 expensive in the state of California. And this is
15 actually more permeable for leachate and gas collection
16 systems. It's new, and so landfills are concerned about
17 the combustibility and the constructability of the
18 material that is compressible, unlike gravel.

19 We would like to develop a grant program for
20 local governments for tire-derived aggregate for civil
21 engineering applications. But it's kind of -- we have to
22 develop the need for it before we can get the grants. So
23 they have to be familiar with the materials so they know
24 what to ask for. So that's where the education part is
25 coming into it.

1 COMMITTEE MEMBER MULÉ: That's what we're doing
2 with our marketing program.

3 MS. PATENAUDE: Right.

4 And then we will be working with the markets
5 contractor that's going out to do the outreach for efforts
6 on educating cities and counties on tire-derived aggregate
7 and RAC. We will continue to educate project development
8 for civil engineering applications. So we're focusing
9 more efforts on cities and counties than we have with
10 Caltrans before. We're getting there with Caltrans, but
11 we're going to do a little bit more effort with cities and
12 counties. There's just a lot more of them. Getting your
13 foot in the door is sometimes difficult.

14 And then we're working with tire-derived -- I
15 mean the producers to become more diversified. There's a
16 lot of producers out there that they basically shut down
17 and make crumb rubber and have it in the bags. And if no
18 one's buying it, they just shut down for a while. We
19 would like them to be -- most of them have the equipment
20 available or would only take the purchase of a couple more
21 pieces of equipment so they could make various types of
22 material. And that would be very beneficial to us if we
23 had more than one or two places in the state of California
24 that could make this material.

25 Then as I said before, we're going to be working

1 with laboratories so they can -- producers could send
2 their samples to a nearby lab and determine how close they
3 are to this stuff.

4 I'll go onto the item now. First, I'd like to
5 read into the record a correction for the item. In
6 Section 6 of the funding table under the amount available
7 in the second row, the statement was \$350,000 would be
8 available. That number should be changed to read
9 \$400,000.

10 CHAIRPERSON PEACE: \$400,000 with the asterisk
11 that is 500,000 minus the 100,000 that was reallocated to
12 other projects. Because when people look back at the
13 plan, they say there should be \$500,000.

14 MS. PATENAUDE: Correct.

15 On Column 4, that should read 250,000, not
16 100,000. And 250,000 is slated to go towards the RAC
17 expert contract you'll hear about in a second.

18 As I've shown in my presentation, we feel this
19 contract is a very important part of the civil engineering
20 application research market development program. This
21 contract will supply the engineering consultant to help to
22 provide education design, technical assistance to local
23 and state government agencies and private entities who
24 would use tire-derived waste tires in civil engineering
25 applications.

1 This contract was selected using the RFQ process.
2 The Selection Panel has completed their review and has
3 determined that Dr. Dana Humphrey and his team meet the
4 requirements as outlined in the Scope of Work.

5 This contract will encumber 500,000 from the
6 research portion of the Five-Year Plan and 150,000 from
7 the civil engineering uses in the market section. All
8 these funds will be 2004-2005 funds. In addition, 500,000
9 from fiscal year 2006-2007 is allocated to civil
10 engineering grant in the contracts program in the
11 Five-Year Plan.

12 Before these funds are used to extend this
13 contract, staff would come before the Board prior to
14 fiscal year 2006-2007 with the status item for this
15 contract. If the Board is satisfied with the progress of
16 the contract, they may approve the extension of the
17 contract using the 2006-2007 funds.

18 The combined allocation for this contract for
19 2004-2005 is \$650,000. The total amount not to exceed for
20 this contract is \$1,150,000 over 40 years.

21 Staff recommends the Board approve adoption of
22 Option 1 in Resolution 2005-159 for the approval of Dr.
23 Dana Humphrey for the engineering environmental service
24 contract for the amount of \$650,000 with the amount not to
25 exceed \$1,150,000.

1 CHAIRPERSON PEACE: Any questions?

2 COMMITTEE MEMBER MULÉ: I have no questions. But
3 I do want to thank you for an excellent presentation.
4 That really gave us all a good background and history on
5 this whole civil engineering uses of RAC.

6 CHAIRPERSON PEACE: I'm excited about this. I
7 just feel like with the outreach and all these different
8 things this is going to really catch on.

9 We do have one speaker. Scott Smithline would
10 like to speak.

11 MR. SMITHLINE: Madam Chair, Committee members,
12 thank you. Scott Smithline with Californians Against
13 Waste.

14 We don't have a position on this item. I just
15 have one question. During the presentation, staff said
16 this is the most cost effective use, and second to TDF.
17 I'm just curious as to what standard exactly is being used
18 there. Is that least cost management option, or does it
19 have something more to do with the value added aspect of
20 the project?

21 SUPERVISOR FUJII: Bob Fujii, Special Waste
22 Division.

23 I think what we're referring to, Scott, is in
24 terms of just cost for getting the material from wherever
25 it's coming from. It's cheaper to do that to go to a TDF

1 facility than it would be for civil engineering. From our
2 experience, the TDF industry is the only one that's paying
3 people to accept the material, versus us having to pay
4 people to dispose or end use the material. So the comment
5 is in reference to that.

6 MR. SMITHLINE: Thank you very much.

7 COMMITTEE MEMBER MARIN: One of the things, Madam
8 Chair -- I am very excited. I can see all of the tires
9 that California produces going to these projects. Given
10 the desire of the Governor to spend more money in
11 transportation areas, I can see where Caltrans would
12 potentially have opportunities, many opportunities,
13 throughout the state to potentially use some of this for
14 civil engineering purposes. I'm thinking wow, two and two
15 together. We should be able -- this should provide us
16 with great opportunities to divert tires.

17 I want zero tires going into the landfill, zero,
18 zero, tomorrow. So let's expedite this as soon as
19 possible.

20 Now the consultant comes in after the fact. When
21 we agree to help in a project, then he comes in and helps
22 them with the specifications and so forth. Is it possible
23 to use him ahead of time?

24 MS. PATENAUDE: Yes. Dr. Humphrey previously has
25 been part of the educational efforts. He gives the

1 six-hour short course. That is his class. At the project
2 building meetings, typically we go to the site with Dr.
3 Humphrey, and we evaluate whether these projects are truly
4 a good use for tire-derived aggregate. Dr. Humphrey was
5 probably taking that picture of me at that landslide. And
6 we go out and evaluate -- just like we're dealing with the
7 aftermath of some bad projects ten years ago with RAC.

8 And so we're very selective about educating
9 people -- I should say, letting them use the material up
10 front, because there's not a lot of experience with it.
11 So we want to be a part of their project so they use it
12 properly up front. And there's no failures. Because then
13 we're dealing with that for the next ten years.

14 So Dr. Humphrey is part of the project
15 development phase. He's the educational phase and all
16 that part. And then he works with the design team.

17 COMMITTEE MEMBER MARIN: Because, to me, it would
18 make more sense to utilize him way ahead so he can build
19 excitement. He has experience. I saw his 63 pages of
20 background, his curriculum vitae. I mean, he clearly has
21 had a lot of experience dealing with this.

22 CHAIRPERSON PEACE: Very well respected. He's a
23 great advocate. If you've ever heard him speak, he's so
24 enthusiastic about this.

25 COMMITTEE MEMBER MARIN: So my desire would be to

1 utilize him more in the front end, of course, you know, as
2 a consultant with specific projects. But I would really
3 want him to be more involved at the educational level,
4 target those areas.

5 CHAIRPERSON PEACE: Do we use him in that
6 targeted outreach?

7 MS. PATENAUE: That's the hope, is that the
8 targeted outreach will develop the meetings. And then
9 myself and Dr. Humphrey will go to the meetings to inform
10 the engineers there what we can do with the City Council,
11 whoever it is. But Dr. Humphrey is the key component to
12 motivating to use it. His expertise is very valuable.

13 COMMITTEE MEMBER MARIN: So we approve this.
14 Then when we go to approve all the other grants,
15 somewhere, somehow there needs to be a nexus. I know we
16 just approve equipment for some of the crumb rubber
17 companies. Didn't we just approved a few of them? It
18 would have been really neat if we had some of these
19 companies that are already doing crumb rubber to purchase
20 that equipment that will enable them to not just do crumb
21 rubber but the shredding. Now we have another one --

22 CHAIRPERSON PEACE: Is that part of what they're
23 working on?

24 MS. PATENAUE: We're trying. I met with a
25 number of facilities that do this. We're trying to

1 educate them towards the benefits of being diversified.
2 And, you know, the dollar per ton is not as great for
3 tire-derived aggregate than it is for crumb rubber. But
4 the cost to produce it is so much different. And it's
5 trying to win them over to this understanding that the
6 crumb rubber is saying they can't operate in California,
7 because, you know, electricity is so expensive and they
8 need to be subsidized. Here's material that cost a
9 fraction of the energy to produce in the state. So it's
10 ultimately they will win. They may not --

11 CHAIRPERSON PEACE: I think as they see that
12 we're --

13 COMMITTEE MEMBER MULÉ: The demand is there.

14 MS. PATENAUDE: That's what we're trying to do is
15 win them over.

16 COMMITTEE MEMBER MULÉ: I met with one of our
17 tire processors here in the state a few weeks ago, and I
18 know they're looking at diversifying. They just brought
19 in a piece of equipment well over \$100,000, because, you
20 know, they're hoping to diversify their markets as well.

21 COMMITTEE MEMBER MARIN: Well, this can
22 potentially create a huge demand for shreds. I can just
23 see it. I can feel it. And so some of these producers
24 are going to have to be ready. Otherwise, our most
25 desired effect, it's not going to happen.

1 CHAIRPERSON PEACE: I know Stacey has been
2 working really hard on that, because that's one of her
3 concerns.

4 MS. PATENAUDE: That's a concern. And we're
5 aware of that, the supply and demand, it's going to go
6 backwards and back and forth. Balancing it is going to be
7 work.

8 COMMITTEE MEMBER MARIN: Well, move approval of
9 Resolution 2005-158.

10 COMMITTEE MEMBER MULÉ: Second.

11 CHAIRPERSON PEACE: We have a motion by Marin and
12 second by Mulé. We'll substitute the previous roll.

13 If there's no objection, we'll put this on fiscal
14 consent.

15 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

16 Board Item 6, Committee Item G, Consideration of
17 Contractor for the Rubberized Asphalt Concrete Engineering
18 and Technical Assistance Contract, IWM04057, Tire
19 Recycling Management Fund, Multi-Year Funding.

20 As I noted in my discussion in the proceeding
21 agenda item, the RAC expert contractor team will provide
22 technical support and work cooperatively with the outreach
23 efforts to local jurisdictions. Use of a RAC expert was
24 explicitly endorsed in a third-party evaluation of the
25 Board's RAC technical support and outreach efforts, which

1 was completed last year.

2 Staff concurs with the recommendations of that
3 report. This agenda item is a keystone effort in the
4 implementation of those recommendations.

5 I'll now ask Nate Gauff to make the remainder of
6 the staff presentation.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 MR. GAUFF: Good morning, Madam Chair and
10 Committee members. I'm Nate Gauff with the Special Waste
11 Division.

12 What I'm going to do in my presentation is kind
13 of take you back to the future. We're going to go back
14 and just review a few of the things that have gone on that
15 have brought us to this point in bringing this item for
16 consideration of approval of the contractor for the
17 rubberized asphalt concrete engineering and technical
18 assistance contract.

19 --o0o--

20 MR. GAUFF: One of the fundamental questions is
21 why should the Waste Board continue to promote RAC?
22 Obviously, you see on the screen some of the reasons why.
23 The main reason is it demonstrates superior performance of
24 rubberized asphalt over conventional asphalt. At least
25 that's what we feel, that it's been proven to be a

1 superior material. And, also, it has to be used in the
2 proper situation in that it also has been proven over
3 30-plus years, almost 40 years now, of proven use. Has
4 benefits of resisting reflective cracking. Provides
5 long-lasting durability, and significantly reduces road
6 noise. In addition to some minor, I guess, benefits of
7 the contrast and stripping and some of the other things
8 that the local governments seems to like, it stays darker
9 longer than conventional asphalt, oxidizes slower. It's
10 been shown to be a cost effective resurfacing option.

11 --o0o--

12 MR. GAUFF: Going back to the future once again
13 and giving you a little bit of the program overview that
14 we brought before the Committee back in December, the
15 basic new program elements that we looked at, one was the
16 direct marketing to decision makers and to promote RAC.
17 That was a big aspect of our new program.

18 We're also looking to partner that with some new
19 grant program to introduce some new jurisdictions to the
20 material in a big way. And also looking at what we call
21 RAC rewards, kind of basically continuation of the
22 existing Kuehl Bill Program to reward the folks that have
23 been using the material.

24 And the last piece, but certainly not the least,
25 is the RAC expert, which we want to use to consult with

1 local governments and help them ensure their success in
2 their rubberized asphalt projects.

3 --o0o--

4 MR. GAUFF: Some of the things that we're going
5 to look for from our RAC expert, one obviously is
6 education. And that's provide education not only to the
7 decision makers, but also to the technical folks within
8 the jurisdictions to provide them on the information and
9 education on the processes for rubberized asphalt,
10 construction benefits, cost savings, all the goodies that
11 come with rubberized asphalt.

12 We're also looking for that contractor to provide
13 engineering evaluation and design assistance, construction
14 oversight, possibly doing some research on any
15 Board-directed projects. We see that as being a fairly
16 minor part of this contract in that a lot of the research
17 has been conducted up to this point. But I don't think
18 anything -- we don't always have the sum total of all
19 knowledge. So there may be things that come up.

20 We're also looking for our contractor to do
21 quality assurance, quality control in partnership with the
22 local governments on the projects, and also to participate
23 in the market development outreach efforts with respect to
24 RAC.

25 --o0o--

1 MR. GAUFF: The process that we've looked for and
2 that we followed, once again, this concept for a RAC
3 expert was approved at the December Special Waste
4 Committee meeting. A Scope of Work was brought before the
5 Board and approved in February. And the process that we
6 followed to select the contractor was using the Request
7 for Qualifications.

8 --o0o--

9 MR. GAUFF: For this contract, we've had to
10 change some allocations over time. Originally, the
11 original amount that was set aside for this contract or
12 redirected for this contract was \$200,000. That was done
13 at the Special Waste Committee meeting in December. And
14 that came from the RAC Tech Center item.

15 In addition, 250,000 was redirected from the
16 civil engineering uses line item from 04-05 and -- let me
17 back up. The 200,000 also came from the 04-05 RAC Tech
18 Center allocation; 250,000 from the civil engineering
19 04-05 allocation; and just recently with the approval of
20 the Five-Year Plan, there was 250,000 allocated for each
21 fiscal year 05-06 and 06-07.

22 Right now, we're looking at encumbering the
23 450,000 total from 04-05, and we will come back to the
24 Board or to the Committee at the Board's pleasure before
25 allocating the 05-06 and 06-07 money so we can either

1 change contractors or continue on, you know, based on the
2 Board's pleasure.

3 --o0o--

4 MR. GAUFF: So having gone through the process,
5 we did select a contractor. It's a company called MACTEC.
6 They are a nationwide engineering firm, and they have
7 several offices in California, both in Northern and
8 Southern California. They've put together a team that --
9 I don't think we could get a more highly knowledgeable
10 team in RAC, you know, and processes, use, construction.
11 We have the most highly qualified people on their team
12 that we're going to be able to utilize in our program.

13 CHAIRPERSON PEACE: How many applicants did we
14 get? Are they the only ones?

15 MR. GAUFF: They were the only applicant that
16 submitted a proposal. However, there were, I believe,
17 four companies that inquired about the contract. But
18 three of them obviously decided not to submit a proposal.

19 The other thing is MACTEC does have experience in
20 this type of work.

21 CHAIRPERSON PEACE: Do they do a lot of work in
22 Arizona?

23 MR. GAUFF: They have done work in Arizona, but
24 they've also done a lot of work in California in working
25 with local government agencies and with Caltrans in

1 looking at RAC development, RAC technology, technology
2 transfer, all these areas that we're asking them to
3 participate in.

4 CHAIRPERSON PEACE: I know they're very well
5 respected.

6 MR. GAUFF: Yes. Very well.

7 DEPUTY DIRECTOR LEE: Nate, isn't the MACTEC
8 team, doesn't it include various subcontractors that have
9 considerable experience in these areas? Maybe that's one
10 of the reasons there wasn't as much competition as one
11 might have otherwise expected?

12 MR. GAUFF: From their proposal, one of the
13 possible contractors or one of the possible applicants for
14 this contract we thought might be the Rubber Pavements
15 Association and their technical foundation. But in
16 MACTEC's foresight, I would say, they partnered with the
17 RPA to utilize their technical foundation folks as part of
18 their team. So you know --

19 CHAIRPERSON PEACE: I talked to those people, and
20 they're very happy with the outcome how this is all going
21 to work out.

22 MR. GAUFF: And once again, I think it just adds
23 to the qualifications of the team that MACTEC has put
24 together.

25 So with that -- it's not in the item right now.

1 We'll update it, but we will insert the MACTEC,
2 Incorporated, as the contractor in the item and in the
3 Resolution as appropriate.

4 CHAIRPERSON PEACE: Do we have a motion?

5 COMMITTEE MEMBER MARIN: I have a question. How
6 does this -- and I want it for the record. I want to know
7 how this is different from and compliments the RAC
8 Northern California Center, and then the efforts of the
9 RAC Southern California Center with the local governments.
10 The Northern with the technical assistance and the
11 Southern with the marketing.

12 MR. GAUFF: I think the biggest difference is
13 that MACTEC will be able to provide more outreach than the
14 Technology Centers have been able to provide up to this
15 point. And I think that was one of the fundamental
16 findings of the evaluation report for the Technology
17 Centers is that they were not, for various reasons, able
18 to proactively promote RAC and do the outreach to local
19 governments, you know, in the technology transfer.

20 And I think that's the fundamental issue here and
21 the reason why we chose a different tact and why we're
22 going with this expert contract, is we want somebody that
23 can go out and more proactively get the information and do
24 the training. Because once again, as I said earlier, most
25 of the research has been done. Now it's time for

1 implementation. It's time for getting the project out at
2 the local level. And I think the Board has definitely
3 committed significant resources here in the upcoming years
4 to get that done. And I think this is going to be the
5 piece that's going to really help us to implement that.

6 CHAIRPERSON PEACE: How do you see MACTEC working
7 with our Northern and Southern California Centers? How
8 are they going to interface?

9 MR. GAUFF: Well, I think the way I envision it
10 is MACTEC would be the lead in providing the effort and
11 technology transfer. I'm certain they can compliment, you
12 know, their team if need be by utilizing the Tech Center
13 staff. I don't know if that's going to happen. And right
14 now I don't see that happening that often. But it could
15 be a possibility. Certainly, Theron Roshin, who's heading
16 up the Northern Center, has worked with RPA and has been
17 involved in the seminars, the technology transfer
18 seminars, that the Centers have hosted in conjunction with
19 the RPA to do some technology transfer up to this point.

20 The difference is with the seminars it's been
21 kind of, you know, invite and see who shows up, versus
22 with the expert we'll be able to go out and target
23 specific jurisdictions and go to their offices and get
24 their people, instead of relying on them to be able to
25 travel and have open dates, you know, depending on when

1 the seminars are available and things like that. We can
2 work around their schedules and I think make it a more
3 effective training tool for the local governments.

4 COMMITTEE MEMBER MULÉ: Nate, it sounds like the
5 purpose of hiring this company, as I understood, is we
6 would have somebody on hand that would basically fit our
7 schedule and our time line. Whereas, my understanding is
8 in the past the Southern RAC Center was more on marketing
9 and the Northern was more on technical assistance. But
10 because the Northern Center was basically a one-person
11 show, it couldn't always be out there when we needed them.

12 COMMITTEE MEMBER MARIN: And I think this begs
13 the question, you know, at what point in time the efforts
14 are duplicative. And worse yet, they could be seen as
15 conflicting. And then where we're going to have one
16 person pointing the finger at the other person saying,
17 "Well, you should have done that," or "No, you should have
18 done that," or "I thought they were doing that." I think
19 that we had this discussion at a briefing. And --

20 CHAIRPERSON PEACE: We need to make sure they're
21 all working together.

22 COMMITTEE MEMBER MULÉ: That's all part of
23 project management. If we're managing the project
24 properly, that shouldn't happen.

25 COMMITTEE MEMBER MARIN: But we didn't get that

1 clarity as to exactly who's going to do what and when and
2 if there's a first right of refusal, if you will, by any,
3 by the North or by the South or by MAC or whoever.

4 We need to be very clear. I mean, this is
5 significant. If we don't do it right, we're going to have
6 conflicts. And we're not going to get what we really
7 want.

8 CHAIRPERSON PEACE: I do agree. That's why we
9 need to make sure everything is coordinated. But at this
10 point, I think the more people we have out there trying to
11 promote RAC in the early stages I think is a good thing.
12 And I think it's going to take time to see how all this
13 plays out. We do need to make sure that everything is
14 coordinated, that MACTEC coordinates with our Centers.

15 MR. GAUFF: And I think we recognize that concern
16 in the near term.

17 The one thing is that, you know, the Southern
18 Center, their contract is up in December. And the
19 Northern Center, which was just re-extended, will be up in
20 05-06. And I think once this contract rolls out in
21 addition to our marketing contract and that effort, I
22 think what we're going to see is that maybe we don't need
23 the Centers, per se, to do the kinds of things they've
24 done or we may change their rule once again to make sure
25 we reduce this conflict.

1 I think the way I'm approaching it, you know,
2 from the contract management standpoint is that this RAC
3 expert and our marketing contract is going to be --
4 they're going to be the ones driving the show. The Tech
5 Centers are going to have to basically accept a secondary
6 role in this effort. And once again, I think because we
7 have two contracts expiring, it may turn out that at some
8 point we chose or the Board chooses not to renew those
9 contracts. Because, once again, it is duplicative, and we
10 have a better system in place.

11 COMMITTEE MEMBER MARIN: Well, so long as we know
12 that those conflicts could arise and we take steps to
13 either reduce the conflict or eliminate it and have them
14 work --

15 CHAIRPERSON PEACE: We're getting reports from
16 the Southern California Center about who they're seeing
17 and --

18 COMMITTEE MEMBER MARIN: We'll get that.

19 CHAIRPERSON PEACE: -- what they're doing. And
20 hopefully we can coordinate that with --

21 DEPUTY DIRECTOR LEE: Madam Chair and Ms. Marin,
22 we definitely understand and acknowledge the potential for
23 conflict. I do believe that is a project management
24 responsibility to minimize that situation.

25 As we stated, we've got the Southern California

1 and Northern California Center, they're on board now.
2 We're just hiring the other component pieces. We don't
3 want all efforts to come to a stop. But we expect these
4 efforts will be coalescent here in the next few months.
5 We will be asserting the authority that Nate just talked
6 about. We believe, again, the RAC expert and media
7 outreach contractor are the lead people. And while we
8 believe the Northern and Southern California RAC Centers
9 can play a part here, it has to be an ancillary, a support
10 role, fitting into the picture as necessary.

11 COMMITTEE MEMBER MULÉ: And this is part of the
12 transition from the Northern and Southern Centers to our
13 new approach, which is the marketing and outreach program
14 utilizing this RAC expert. And I guess I just have faith
15 in our staff that they are going to properly manage this
16 and those conflicts will not arise.

17 With that, if there's not any further discussion,
18 I'd like to approve Resolution 2005-167.

19 COMMITTEE MEMBER MARIN: I will second that, but
20 I have some trepidation. And I don't want to say I told
21 all of us that. But I do have all the faith in staff. I
22 do have it. And I think that it brings us to the point
23 where at one point in time -- and I'm sure very soon into
24 the future we will have to make some difficult choices.

25 COMMITTEE MEMBER MULÉ: That's the whole idea, is

1 once we get the new contractors on board and we start our
2 new project, then when the other contract expires, then we
3 decide whether or not we continue to fund that contract.

4 CHAIRPERSON PEACE: We can go in a different
5 direction or don't fund it again. I think that will all
6 come to light by December hopefully.

7 COMMITTEE MEMBER MARIN: I second it for your
8 purposes.

9 CHAIRPERSON PEACE: We have a motion by Mulé and
10 a second by Marin.

11 If there's no objection, we'll substitute the
12 previous roll. And we'll put that on fiscal consent. Is
13 that okay with the Committee? We'll put that on fiscal
14 consent.

15 And that takes us to the last item.

16 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

17 Board Item 7, Committee Item H, is Discussion and
18 Request for Rule Making Direction on Noticing Revisions to
19 the Proposed Regulations to Amend Waste Tire Hauler
20 Registration and Manifesting Regulations Regarding
21 Retreaders for an Additional 15-Day Comment Period. Tom
22 Micka will make the staff presentation.

23 MR. MICKA: Good morning, Madam Chair and members
24 of the Committee. My name is Tom Micka.

25 Last year, the retread industry sought relief

1 from the manifesting procedures under the California
2 Uniform Waste and Used Tire Manifest System. In response,
3 the Board adopted emergency regulations in June of 2004
4 that implemented the retreader trip log. The Board also
5 directed staff to proceed with the rule making process to
6 implement non-emergency regulations for retreaders.

7 The emergency regulations became effective on
8 August 20th, 2004. The proposed non-emergency regulations
9 were sent out for public comment on February 25th of this
10 year and are presented in Attachment 3. The public
11 hearing was held on April 25th. No comments were received
12 during the comment period or at the public hearing.

13 On a parallel track, in April of this year, the
14 Board approved emergency regulations revising the current
15 manifesting system by implementing the new comprehensive
16 trip log, or CTL form, while phasing out the current waste
17 tire manifest form and tire trip log.

18 The first issue today is the addition of draft
19 language to the proposed retreader regulations that would
20 sunset the retreader provisions when the non-emergency CTL
21 provisions become effective. Staff is proposing that
22 Paragraph C in the agenda item be added to Section 18449.
23 The agenda item says 18459, but it should be 18449.

24 Both the retreader trip log and the CTL simplify
25 the manifesting process. However, the CTL was not

1 available a year ago when the retread industry approached
2 the Board. Since then, only about 30 of the 60 retreaders
3 in California have been using the retreader trip log, and
4 the number is dropping as more retreaders convert to
5 electronic reporting.

6 The CTL form, on the other hand, was intended to
7 apply to all waste tire haulers. When the CTL was
8 presented to the Board in April, it received widespread
9 support from stakeholders, including the retread industry.
10 Subsequent to the adoption of the CTL emergency
11 regulations, staff approached the retread industry and
12 pointed out that it would not be practical for the Board
13 to continue supporting the use of the retreader trip log
14 when the CTL will provide similar paperwork relief for the
15 retreaders and while being widely used by waste tire
16 haulers. The retread industry agreed that the retreader
17 trip log could be phased out in favor of the CTL.

18 The second issue is the addition of two forms
19 that were inadvertently left out of the proposed
20 regulations noticed for the 45-day comment period. These
21 forms are the retreader self-certification form and the
22 retreader trip log. Both forms are referenced in the
23 proposed non-emergency regulations and are currently in
24 use under the emergency regulations. Copies of these two
25 forms, the proposed non-emergency regulations that were

1 noticed for the 45-day comment period and the sunset
2 provision Paragraph C of Section 18449, are on the back
3 table.

4 Staff recommends that the Committee direct staff
5 to make recommended revisions to the proposed regulations
6 and notice the revisions for a 15-day public review and
7 comment period. Staff plans on returning to the Board in
8 July hopefully recommending adoption of the non-emergency
9 retreader provisions.

10 This concludes staff's presentation.

11 COMMITTEE MEMBER MARIN: Madam Chair, one of the
12 questions that I have, and I asked you this, nobody
13 supposed -- it's very perfunctory. We've dealt with all
14 of the concerns. And I know that we don't have anybody
15 that's going to speak to that.

16 I just want to ask Terry, this is okay, Terry?

17 MR. LEVEILLE: Terry Leveille on behalf of TL &
18 Associates. On behalf of the retread industry, Harvey is
19 aware of these proposed changes in the regs and the 15-day
20 period. He is contacting his members at this point and
21 making them alerted to it. And if they have any comments
22 within the next 15 days, they will submit those comments.
23 Thank you.

24 CHAIRPERSON PEACE: I guess go ahead. Send them
25 out again and --

1 COMMITTEE MEMBER MARIN: You don't need a motion
2 for this, do you?

3 DEPUTY DIRECTOR LEE: I think we just need
4 Committee direction.

5 CHAIRPERSON PEACE: Go ahead and do what you need
6 to do, and we'll put this on consent. We don't need to
7 hear this at the full Board.

8 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

9 COMMITTEE MEMBER MARIN: It doesn't have to go to
10 the Board.

11 DEPUTY DIRECTOR LEE: No, it does not.

12 CHAIRPERSON PEACE: Okay. Any public comment?
13 Anything anybody else would like to say?

14 Okay. We're adjourned.

15 (Thereupon the California Integrated Waste
16 Management Board, Special Waste Committee
17 adjourned at 11:53 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 15th day June 2005.

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23 TIFFANY C. KRAFT, CSR, RPR
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